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ABSTRACT

This document contains a transcript of hearings held to review the year's progress of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), to review budget and personnel reductions, and to evaluate the effect on the OJJDP of the termination of the Law Enforcement Assistance Agency (LEAA). Witnesses testifying included representatives in Congress as well as professionals in the field of delinquency prevention from the OJJDP, and labor leaders. Both transcripts of testimony and prepared statements are provided. Testimony focuses on four areas: (1) the background of the current OJJDP situation, including financial matters; (2) a status report on all major program activities of the OJJDP; (3) the relationship of the LEAA to the OJJDP; and (4) the influence of the reductions in staff from both agencies. An extensive appendix includes letters, newspaper articles, documents pertaining to relevant court cases, and memos. (AG)

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OVERSIGHT HEARING ON THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-SEVENTH CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, D.C. ON
MARCH 31, 1982

Printed for the use of the Committee on Education and Labor

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OVERSIGHT HEARING ON THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

WEDNESDAY, MARCH 31, 1982

House of Representatives,
Subcommittee on Human Resources,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:38 a.m., in room 2261, Rayburn House Office Building, Hon. Ike Andrews (chairman of the subcommittee) presiding.

Members present: Representatives Andrews, Williams, and Petri.

Staff present: Gordon A. Raley, staff director; Deborah Hall, clerk; John E. Dean, minority senior legislative associate.

Mr. **Andrews**. Good morning, ladies and gentlemen.

Pursuant to its oversight responsibility for the Office of Juvenile Justice and Delinquency Prevention, the Subcommittee on Human Resources convenes this morning with an eye toward the future to review the progress of OJJDP during the past year. I apologize for a somewhat longer than usual opening statement, but I think today it may be necessary to place in perspective what we really are trying to do here.

By most accounts, the progress of the office seems to be considerable. We understand that, in those States which voluntarily participate, the practice of placing status offenders and nonoffenders in long-term correctional placement have been almost completely ended.

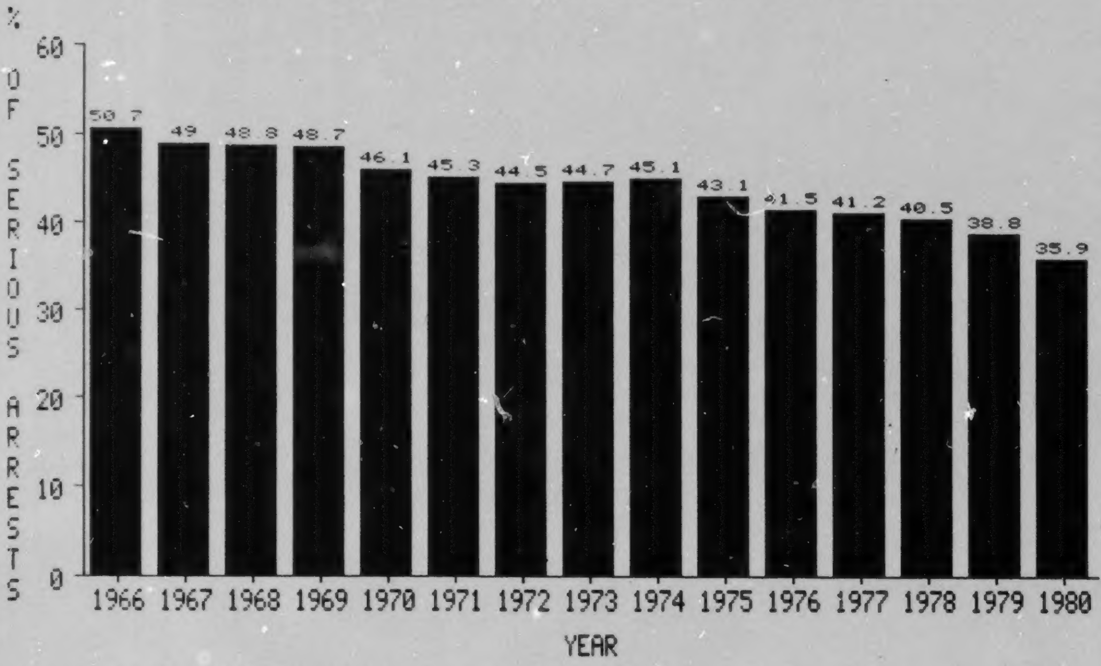
The Office of Management and Budget, in last year's budget document, reported considerable reductions in the placement of all status offenders in secure detention with serious juvenile offenders. Progress has also been reported in separating all juveniles in detention from regular contact with adults committed on criminal charges or awaiting trial for such charges.

These advances at the State and local level seem to be paying off. The Congressional Research Service recently analyzed police arrest data compiled by the FBI in the uniform crime reports. The proportion of persons under 18 years of age arrested for serious crime has fallen consistently each year since the Juvenile Justice Act was passed and is lower now than at anytime in at least 15 years—that is since at least 1965.

[Chart follows:]

PROPORTION OF ARRESTS FOR SERIOUS CRIMES

(ARRESTS OF PERSONS UNDER 18 YEARS OF AGE FOR PART I OFFENSES)



SOURCE: F B I UNIFORM CRIME REPORTS, 1966 - 1980.

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Mr. **Andrews**. We are now, in light of the 1980 amendments, beginning the job of attempting to remove children from adult jails and lockups across the country and placing even greater emphasis on preventing and controlling serious juvenile crime.

Of course, as everyone knows, the biggest consideration for the future of the juvenile justice program is the fact that in spite of its acknowledged success, the administration is again proposing to end the program.

While that is the No. 1 consideration, that is not our purpose here this morning. I believe particularly after last year's discussion that we all, including the Congress, know the implications of ending funding for this program. The cards are now on the table. The President has proposed and now it is up to Congress to dispose, we hope, in a more favorable manner.

Our purpose this morning is rather to conduct oversight, to make sure that the Office of Juvenile Justice is being administered properly and that its legislative mandates are being carried out.

One particularly distressing development is the unanticipated impact that the termination of the Law Enforcement Assistance Agency is having on the Office of Juvenile Justice. As I understand, about 25 percent of OJJDP's current staff were RIF'd just last Friday and will be replaced by LEAA staff with more seniority. This was done, incidentally, despite a request made by Chairman Perkins and me that the initial RIF's of OJJDP staff be postponed until after this morning's hearing.

We are told that by September, 90 percent of the current staff may be so displaced and that LEAA staff replacing OJJDP are not even being required to have previous juvenile justice experience, although, the staff they are replacing were required to have such experience.

This degree of rapid turnover, plus the replacement of existing staff with inexperienced staff, would certainly seem sufficient to disrupt the ability of the office to function adequately.

RIF procedures are complicated. Part of our purpose this morning is to learn more about them. However, the bottom line appears to me to be that because LEAA is being terminated—in fact a year early—OJJDP employees, who are certainly in part responsible for that agency's success are being fired and their places taken by LEAA employees who are the last to leave a questioned agency. That seems an odd reward for work well done.

This RIF'ing of OJJDP staff in connection with the termination of LEAA is particularly bothersome, since in the 1980 amendments, Congress clearly separated OJJDP from LEAA. We made it a clearly separate administrative entity—a separate, self-sufficient office with its own authorizing legislation and its own Presidentially appointed Administrator.

While we left OJJDP within the Office of Justice Assistance, Research, and Statistics [OJARS], we stated specifically in the committee report, and I quote, "It is not intended that OJARS exercise any policy control over the activities of OJJDP," end quote.

We knew then that LEAA was unpopular in at least some quarters and likely to be terminated. My good friend and colleague, Paul Simon perhaps said it best on the House floor during debate on H.R. 6704, and I quote, "I have been a critic of LEAA and am glad to see that the vital juvenile justice program be clearly separated from this other dying agency," end quote

Yet, it would seem that our intent and legislative action in 1980 have been somewhat ignored, to say the least, by these so-called competitive areas which have been defined by the Department of Justice.

Today, we hope to find out why and to examine the performance of OJJDP in other legislatively mandated areas as well.

Mr. Kildee of our committee is here this morning, and I believe he has to leave due to a conflicting engagement. He would like to make a statement, and we welcome that statement.

STATEMENT OF HON. DALE E. KILDEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. **Kildee**. Thank you, Mr. Chairman. Mr. Chairman, I have long been interested in programs to help troubled youth and was a cosponsor of H.R. 6704 which reauthorized the juvenile justice and delinquency prevention program in 1980.

I am pleased with the continuing progress which is being made under the auspices of this program. It was disconcerting to see that the President's fiscal year 1983 budget recommended its termination.

My concern this morning is the reports which have been brought to my attention regarding the impact of RIF's in the Law Enforcement Assistance Administration on the Office of Juvenile Justice and Delinquency Prevention.

As you recall, Mr. Chairman, a key concept of H.R. 6704 from the very beginning was the need for separating OJJDP from LEAA. The enactment of this legislation provided formal recognition by all parties involved, the executive branch as well as the Congress, that OJJDP and LEAA should not be connected in anyway.

The Office of Juvenile Justice and Delinquency Prevention has its own authorizing legislation and its own Presidentially appointed Administrator. As such, the operation of one office should not impinge on the other.

It is my understanding that because the Attorney General has limited the competitive area in which LEAA employees can compete for job slots, up to 90 percent of the OJJDP staff could be replaced by September 1982.

I'm extremely concerned over the effects such a massive displacement of OJJDP personnel will have on the ability of OJJDP to carry out its legislative mandate.

This concern is aptly summarized in a letter from the Michigan Office of Criminal Justice which states, and I quote:

> We have many questions about the merit or purpose of actions on the part of the Department of Justice to permit such a massive shift in personnel. The administrative actions on the part of the Department of Justice could cripple the ability and the will of the Office of Juvenile Justice to accomplish change in this vital area.

In a Department of approximately 50,000 employees, it is unconscionable that a RIF of 50 positions, one-tenth of 1 percent, could result in the displacement of up to 90 percent of the OJJDP staff.

Hopefully, today's hearings will help persuade the Justice Department to seek other means for accomplishing the RIF's they seek.

Given the traditional bipartisan support which this program has and the fact that the Congress has not called for staff reductions in OJJDP, if the Attorney General cannot be persuaded to expand the competitive area, at the very least, juvenile justice experience should be required for OJJDP positions.

Thank you very much, Mr. Chairman.

Mr. ANDREWS. Thank you, Mr. Kildee. Mrs. Shirley Chisholm, I believe, had indicated that she would like to make a statement at this time, but I don't believe Shirley is with us. She's on her way.

I believe we'll have to proceed with the witnesses and then we'll hear from Mrs. Chisholm as soon as the first witness is finished if she's then here.

We welcome Mr. Stan Morris who is Associate Deputy Attorney General with the U.S. Department of Justice, of course, here in Washington, and, Mr. Morris, we welcome you here with such associates or others as you might wish.

[Prepared statement of Stanley Morris follows:]

PREPARED STATEMENT OF STANLEY MORRIS, ASSOCIATE DEPUTY ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE

Mr. Chairman, the Department welcomes this opportunity to provide the Subcommittee with a report on the Office of Juvenile Justice and Delinquency Prevention.

As a prelude to a discussion of the Office, it may be useful to briefly sketch the rather complex set of events that brought it to its present condition. As you know, Mr. Chairman, the Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration and, with it, the first Federal block grant program providing funds to state and local units of government. In 1970 and again in 1973, Congress extended the LEAA authorization. The following year, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation established a separate juvenile justice program to be administered by LEAA. The next year, 1975, LEAA appropriations reached their highest level—$895 million—and dropped from that time until the present.

In 1976, Congress enacted the Public Safety Officers' Benefits Act, which authorizes LEAA to provide payments of $50,000 to the survivors of public safety officers killed in the line of duty. That same year—1976—the LEAA authorization was again extended for three years by the Crime Control Act of 1976.

Next came the enactment of the Justice System Improvement Act of 1979, signed by former President Carter in late December of 1979. This legislation separated LEAA into four distinct agencies: the Office of Justice Assistance, Research, and Statistics (OJARS); the National Institute of Justice (NIJ); the Bureau of Justice Statistics (BJS); and LEAA. Each was to be headed by a Presidentially appointed administrator. In addition, the Office of Juvenile Justice and Delinquency Prevention, which remained within LEAA, was also headed by an administrator appointed by the President.

Subsequently, Congress enacted the Juvenile Justice Amendments of 1980 which extended the OJJDP authorization for four years and removed OJJDP from within LEAA.

As you know, Mr. Chairman, LEAA had been gearing down for more than a year, with only administrative funds to provide the staff necessary to close out the previously funded programs and assure an orderly phaseout. The process began in the Spring of 1980 when the previous Administration decided to end funding for the criminal justice assistance programs authorized by the Justice System Improvement Act (JSIA) and administered by LEAA. That decision was subsequently reaffirmed by the Congress and the Reagan Administration. The fiscal year 1983 budget request for the Department of Justice, submitted to Congress last month, included the proposal to phase out the funding for the Office of Juvenile Justice and Delinquency Prevention. This proposal was advanced as part of the President's commitment to major reductions in Federal spending.

The Department's responsibility has been to bring to an end in an orderly and responsible way a 12-year program involving more than $8 billion in Federal expenditures. At the same time, we have had to assure effective management of those programs that have been continued. The continuing activities include the Office of Juvenile Justice and Delinquency Prevention, programs of research and statistics, and payments under the Public Safety Officers' Benefits Act.

The JSIA agencies (which is our "shorthand" for references to OJARS, OJJDP, NIJ, and BJS) have just undergone the major adjustments necessary to reflect policy and budgetary decisions and to make optimum use of the available remaining resources.

All of our planning and the actions taken thus far have been based on certain fundamental principles. First, that the LEAA program must be closed-out in an orderly and responsible way that assures proper accountability for public funds. Second, that continuing JSIA program activities must be given sufficient support to function effectively.

Since May of 1980, the JSIA management has been gearing down in manner consistent with those principles. Specifically, they have: closed out almost 1600 grants and contracts; reduced the backlog of civil rights complaints by 80 percent; eliminated completely the backlog of unresolved audits; reduced administrative costs; and provided the resources necessary to maintain essential State administrative services. At the same time, LEAA and OJARS staffs were reduced by about 40 percent through normal attrition, job outplacement actions and early retirement.

Despite the progress of the past 18 months, much remains to be done to close out the LEAA program. As of the first quarter of fiscal year 1982, there were nearly 1000 LEAA block and discretionary grants that must be monitored and/or closed out. These grants involved about $225 million in unreported expenditures, including $180 million in block funds and $45 million in categorical grants.

Although no new awards will be made by LEAA, grants monitoring and close-out activity will be substantial through the end of fiscal year 1982. Monitoring requirements will decline in fiscal year 1983 and should be concluded by the end of the second quarter. However, close-out actions for LEAA grants will continue through the end of fiscal year 1983.

While planning the necessary allocation of resources to manage the termination of LEAA grants, we have also been cognizant of the number of grants to be awarded, monitored and closed-out in the other continuing JSIA programs including OJJDP. LEAA and OJJDP block and formula grants alone account for about $300 million "in the pipeline" at state and local levels of government that must be administered.

It has been a very difficult and complex process to provide efficient management of the continuing program activities and to assure proper stewardship of LEAA funds, while adjusting to the reduced staff levels provided in the current JSIA budget.

The planning and implementation of the RIF had to take into account the need to: (1) retain the skill-mix necessary for the responsible closeout of program activities; (2) minimize the impact on the personal lives and professional careers of the affected Federal employees in the JSIA units; and (3) comply with various laws and regulations governing reductions-in-force.

The RIF focussed on LEAA and OJARS and resulted in the separation of 33 full-time, 5 part-time and 15 temporary JSIA employees. It was designed to eliminate only those functions which terminate with the phaseout of LEAA and which reflect the reduction of some staff support activities by OJARS. Although the exercise of "bumping" and "retreat" rights by LEAA and OJARS personnel caused some dislocation in OJJDP and the other JSIA units, we do not expect the process to adversely affect their continuing activities.

Concurrent with the reduction-in-force, remaining LEAA functions and associated positions were reassigned to OJARS. These continuing functions include: management of TASC program and regional intelligence unit grants; administration of the Public Safety Officers' Benefits program; and monitoring and closeout of those block and categorical grants which have not yet reached the end of their award period.

A total of 9 OJJDP employees were separated from Federal service last week as a result of the RIF. These separations occurred because qualified LEAA employees with higher retention rights under the governing regulations chose to exercise their rights by replacing the lower-tenured OJJDP employees. I want to emphasize the word "qualified" because, under the regulations governing a RIF, only persons with the appropriate experience and skills can "bump" and employee with lower retention standing. Consequently, we are confident that the personnel now on-board at OJJDP are fully capable of administering the juvenile justice programs.

Our confidence in this regard is based on several factors:

1. Our procedures for RIF followed the general regulation which prescribe the use of OPM qualification standards in determining "Bumping" or "retreat" rights. Those OPM regulations have been carefully followed throughout the RIF in LEAA and OJARS.

2. More than half of the program people in OJJDP prior to the RIF had previously been LEAA employees. A review of the OJJDP staff complement last November—long before the RIF in LEAA—shows that 32 out of 57 OJJDP employees had been hired from LEAA. Clearly, then, LEAA grant and program management experience has in the past been viewed as an asset to OJJDP just as are the otherwise qualified LEAA employees who have transferred into OJJDP as a result of the reduction-in-force.

3. OPM regulations governing the formulation of the retention registers from which the regular order of selection for retention and separation are determined requires that similar jobs be combined into a single competitive level. After that is accomplished, those in a competitive level with the least tenure are the first to be separated from service. According to the regulations, a competitive level consists of: jobs so similar in all important respects that the agency readily can move an employee from one to another without significant training and without unduly interrupting the work program. . . . Characteristics shared by all positions in a competitive level are similarity of duties, responsibilities, pay schedule, and terms of appointment: and similarity or requirements for experience, training, skills and aptitudes.

Moreover, the JSIA agencies' contract with the union representing its bargaining unit members provides that "in a RIF action, competitive levels will be established as broad as possible within appropriate regulations."

The procedure followed in the JSIA RIF recognized the requirements set by both the OPM regulations and the agencies' union agreement.

Mr. Chairman, because of the lengthy history of personnel issues related to phaseout of LEAA and their effect on OJJDP, and because I am by no means expert in the intricacies of RIF management, I would like to submit for the full information of the Subcommittee copies of detailed testimony presented by Kevin D. Rooney, Assistant Attorney General for administration, to the Subcommittee on Manpower and Housing of the Committee on Government Operations. In his testimony, Mr. Rooney describes tin thorough detail the various personnel issues which have arisen in connection with the RIF.

I appreciate the opportunity to discuss the Office of Juvenile Justice and Delinquency Prevention and I will be pleased to respond to any questions the Subcommittee may have.

STATEMENT OF STAN MORRIS, ASSOCIATE DEPUTY ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE, ACCOMPANIED BY CHARLES A. LAUER, ACTING ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND HARRY FLICKINGER, DEPUTY ASSISTANT ATTORNEY GENERAL FOR PERSONNEL AND ADMINISTRATION

Mr. Morris. Thank you, Mr. Chairman. I have with me, on my right, Mr. Charles Lauer who is the Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention, and, on my left is Mr. Harry Flickinger who is the Deputy Assistant Attorney General for Personnel and Administration for the Department of Justice. Mr. Flickinger is with me in the event that you have detailed questions regarding personnel practice. I'm not an expert in that area.

I have a brief statement, Mr. Chairman, and Mr. Lauer has a much more extensive statement which we will provide for the record for your committee's review.

Mr. Andrews. Without objection, the record will be held open to receive this material.

Mr. MORRIS. Mr. Chairman, the Department welcomes this opportunity to provide the subcommittee with a report on the Office of Juvenile Justice and Delinquency Prevention.

As a prelude to a discussion of the Office, it may be useful to briefly sketch the rather complex set of events that brought it to its present condition.

As you know, the Omnibus Crime Control and Safe Streets Act of 1968, established the Law Enforcement Assistance Administration, and with it, the very first Federal block grant program providing funds to State and local units of government.

In 1970 and again in 1973, Congress extended the LEAA authorization. In the following year, Congress enacted the Juvenile Justice and Delinquency Prevention Act in 1974, and this legislation established a separate juvenile justice program to be administered by LEAA.

The next year in 1975, LEAA appropriations reached their highest level, $895 million, and it's been dropping from that peak until the present.

In 1976, Congress enacted the Public Safety Officers' Benefits Act which authorized LEAA to provide payments of $50,000 to the survivors of public safety officers killed in the line of duty.

The same year, 1976, the LEAA authorization was again extended for 3 years by the Crime Control Act of 1976. Next came the enactment of the Justice System Improvement Act of 1979 signed by former President Carter in late December.

This legislation separated LEAA into four distinct agencies: the Office of Justice Assistance, Research and Statistics (OJARS); the National Institute of Justice; the Bureau of Justice Statistics; and LEAA.

Each was to be headed by a Presidentially appointed administrator. In addition, the Office of Juvenile Justice and Delinquency Prevention which remained within LEAA was also headed by an administrator appointed by the President.

Subsequently as you pointed out in your opening statement—Congress enacted the Juvenile Justice Amendments of 1980 which extended the OJJDP authorization for 4 years and separated OJJDP from LEAA.

As you know, Mr. Chairman, LEAA has been gearing down for more than 1 year with only administrative funds to provide the staff necessary to close out the previously funded programs and assure an orderly phaseout.

The process began in the spring of 1980 when the previous administration decided to end funding to the criminal justice assistance programs authorized by the Justice System Improvement Act and administered by LEAA.

This decision was subsequently reaffirmed by the Congress and the Reagan administration. In addition and again as you've pointed out, the fiscal year 1983 budget request for the Department of Justice submitted to Congress last month does not request funding for the Office of Juvenile Justice and Delinquency Prevention. This proposal was a part of the President's commitment to major reductions in Federal spending.

The Department's responsibility has been to try to bring an end in an orderly and responsible way to the 12-year LEAA program involving more than $8 billion in Federal expenditure.

At the same time, we've had to assure effective management of those programs that have been continued. The continuing activities include the Office of Juvenile Justice and Delinquency Prevention, programs of research and statistics, and payments under the Public Safety Officers' Benefits Act.

The JSIA agencies, our shorthand for references to OJJDP, NIJ, OJARS, and BJS, have just undergone the major adjustments necessary to reflect policy and budgetary decisions and to make optimum use of the available remaining resources.

All of our planning and the actions taken thus far have been based on certain fundamental principles. First, that the LEAA program will be closed out in an orderly and responsible way that assures proper accountability for public funds. Second, that the continuing JSIA program activities be given the support to function effectively.

Since May 1980 the JSIA management has been gearing down in a manner consistent with those principles. Specifically, they have closed out almost 1,600 grants and contracts, reduced the backlog of civil rights complaints by 80 percent, eliminated completely the backlog of unresolved audits, reduced administrative costs, and provided the resources necessary to maintain essential State administrative services.

At the same time, LEAA and OJARS staffs were reduced by about 40 percent through normal attrition, job outplacement actions, and early retirements.

Despite the progress of the past 18 months, much remains to be done to close out the LEAA program. As of the first quarter of fiscal year 1982, there were nearly 1,000 LEAA block and discretionary grants that must be monitored and/or closed out. These grants involved about $225 million in unreported expenditures, including $180 million in block funds and $45 million in categorical grants.

Although no new awards will be made by LEAA, grants monitoring and close-out activity will continue through the end of 1982. Monitoring requirements will decline in 1983 and should be completed by the end of the second quarter. However, some close-out actions for LEAA grants will continue through the end of 1983.

While planning the necessary allocation of resources to manage the termination of LEAA grants, we have also been cognizant of the number of grants to be awarded, monitored and closed out in the other continuing JSIA programs, including the Office of Juvenile Justice and Delinquency Prevention.

LEAA and OJJDP block and formula grants alone account for about $300 million in the pipeline at State and local levels of government that must be administered.

It's been a very difficult and a complex process to provide efficient management of the continuing program activities and to assure proper stewardship of LEAA funds while adjusting to the reduced staff levels provided in the current JSIA budget.

The planning and implementation of the RIF had to take into account the need to: First, retain the skill mix necessary for the responsible close out of program activities; second, minimize the impact on the personal lives and the professional careers of our affected Federal employees in the JSIA units; and, third, comply with the various laws and regulations governing reductions-in-force.

The RIF focused on LEAA and OJARS and resulted in the separation of 33 full-time, 5 part-time and 15 temporary JSIA employees. It was designed to eliminate only those functions which terminate with the phaseout of LEAA and which reflect the reduction of some staff support activities by OJARS.

Although the exercise of bumping and retreat rights by LEAA and OJARS personnel caused some dislocation in OJJDP and other JSIA units, we do not expect the process to affect adversely their continuing activities.

Concurrent with the reduction-in-force, remaining LEAA functions and associated positions were reassigned to OJARS. These continuing functions include: Management of the treatment alternatives to street crime—the TASC program—and regional intelligence unit grants; administration of the public safety officers' benefits program; and monitoring and closeout of those block and categorical grants which have not yet reached the end of their award period.

A total of nine OJJDP employees were separated from Federal service last Friday as a result of the RIF. These separations occurred because qualified LEAA employees with higher retention rights under the governing regulations chose to exercise those rights by replacing the lower tenured OJJDP employees.

I need to emphasize the word, qualified, because under the regulations governing a RIF, only persons with the appropriate experience and skills can bump an employee with lower retention standing. Consequently, we are confident that the personnel now on board at OJJDP are fully capable of administering the juvenile justice programs to the satisfaction of this subcommitee.

Our confidence in this regard is based on several factors. First, our procedures for the RIF followed the general regulation which prescribe the use of Office of Personnel Management (OPM) qualification standards in determining bumping or retreat rights. These OPM regulations have been carefully followed through the RIF in LEAA and in OJARS.

Second, more than half of the program people in the juvenile justice program prior to the RIF had previously been LEAA employees. A review of the OJJDP staff complement last November, long before the RIF in LEAA, shows that 32 out of 57 OJJDP employees had been hired from LEAA.

Clearly, then, LEAA grant and program management experience has, in the past, been viewed as an asset to OJJDP just as are the otherwise qualified LEAA employees who have transferred into OJJDP as a result of the reduction-in-force.

Third, OPM regulations governing the formulation of the retention registers from which the regular order of selection for retention and separation are determined requires that similar jobs be combined into a single competitive level.

After that is accomplished, those in a competitive level with the least tenure are the first to be separated from service. According to the regulations, a competitive level consists of jobs so similar in all important respects that the agency readily can move an employee from one to another without significant training and without unduly interrupting the work program. Characteristics shared by all positions in a competitive level are similarity of duties, responsibilities, pay schedule, and terms of appointment and similarity or requirements for experience, training, skills and aptitudes.

Moreover, the JSIA agencies contract with the union representing its bargaining unit members provides that, and I quote, "in a RIF action, competitive levels will be established as broad as possible within appropriate regulations."

The procedures followed recognized the requirements set both by the OPM regulations and the agencies' union agreement.

Mr. Chairman, because of the lengthy history of personnel issues related to phaseout of LEAA and their effect on OJJDP, and because as I mentioned at the outset, I am no expert in the area of RIF management, I would like to submit to the subcommittee a copy of testimony presented by Kevin D. Rooney, assistant attorney general for administration which he gave to the Subcommittee on Manpower and Housing of the Committee on Government Operations last month. In his testimony, Mr. Rooney describes in more detail the various personnel issues which have arisen in connection with the RIF.

Mr. ANDREWS. Without objection, the record will be held open to receive this material.

Mr. MORRIS. I appreciate the opportunity to discuss the Office of Juvenile Justice and Delinquency Prevention and what the impacts of our recent actions are, and I'd be happy to try to respond to any questions you and other members of the subcommitee may have.

Mr. ANDREWS. Thank you, Mr. Morris. Without objection, we will insert your prepared remarks in the record.

At this point, if I may, I'd like to recognize a very distinguished Member of Congress who has a longstanding and devout interest in this program, Mrs. Shirley Chisholm.

Mrs. CHISHOLM. Thank you very much, Mr. Chairman. I would like to say that I do recognize that there is a process of RIF'ing going on in so many of the various agencies and departments right now because of budgetary considerations.

I am very, very concerned about the Office of Juvenile Justice and Delinquency Prevention. This program came into existence as a result of the Juvenile Justice Amendments in 1980, and I was very involved in the program.

What troubles me is that in terms of the RIF'ing and the reassignment of personnel that you will be moving in the direction of actually bringing into the program persons who do not have the requisite kind of experience in dealing with juveniles in this country which takes time and development and what have you, and also, the very fact that because the program is so relatively new, it is really in a sense being disbanded or curtailed at a very critical developmental stage.

I would just like to hear from you on that particular point.

Mr. MORRIS. The total size of the OJJDP program is not being reduced at all. As a matter of fact, it may increase by one or two positions to approximately 62. What has gone on here is that people with more government experience are bumping people with less government experience in nine specific jobs in the Office of Juvenile Justice and Delinquency Prevention.

The dislocation and the pain that this causes our employees is a concern to us, but we are convinced that the grants management people coming onboard will have the experience to manage the program effectively and without any diminution in our ability to carry out the goals of the act.

Mrs. CHISHOLM. We have already seen in some of the other areas of bumping going on in other departments that people, square pegs are being put into round holes and vice versa, and that the persons are not necessarily prepared to undertake the kind of responsibility that is very important with respect to certain programs.

Of course, we're, in a sense, moving people around like pieces on a chess board, and we're not taking into consideration the human factors that are very, very important with respect to the development of certain kinds of programs.

I'm deeply concerned about that on the basis of experiences that have gone on in other departments already.

Mr. MORRIS. I've read about those examples and horror stories that have been pointed out. I assure you in this instance that is not going on. As I pointed out in my statement, the majority of people in the juvenile justice program originally came from LEAA, and, as a matter of fact, I think that the majority of those that are being RIF'd came from LEAA within the last 18 months.

So there is a natural relationship here between the programs, and one that we don't believe will affect the overall quality of the juvenile justice program.

Mrs. CHISHOLM. I'd be so presumptuous to say that reading some kind of crystal ball of my own that since you're moving in the direction of the gradual elimination of this entire juvenile justice and delinquency prevention program, and since it was not that easy to have eradicated it before, and it was reauthorized for $17 million, that one of the ways that we can perhaps hasten the elimination of this program is to, in a very indirect way, move over a lot of the employees from LEAA and move out those persons who have had the experience and developed the programs and what have you in this particular area.

You know, down the line, the intention is to eliminate this program completely.

Mr. MORRIS. It is absolutely not our intention to undermine this program in anyway. Congress spoke for 1982, and we intend to carry out the program effectively and efficiently. We have, again, proposed in 1983 that the program be eliminated. If Congress doesn't go along with that, I assure you that the Attorney General intends to carry out the program the way the Congress directs that we do, and that it is not our intention to undermine the program at all in this RIF.

Mrs. CHISHOLM. I only mention that, because I've heard that kind of tune before with respect to other programs. We're going to see that somewhere down the line in a kind of circulatory fashion, they are no longer there.

That's all, Mr. Chairman.

Mr. **Andrews**. Thank you, Mrs. Chisholm. Mr. Morris, I wonder if, rather than proposing questions directly to you, sir, you would prefer that either or both of the other gentlemen speak to the issues here as well?

Mr. **Morris**. I have no objection. I'll try to handle them. If I can't, I'm sure that together we'll be able to respond.

Mr. **Andrews**. I believe you say that you are not—the term you used—you didn't say you weren't qualified. You weren't what?

Mr. **Morris**. I'm not an expert in the mysteries of the personnel practices that relate to RIF activities.

Mr. **Andrews**. Nor do you need to be an expert to know that mysteries do exist.

Mr. **Morris**. That's right.

Mr. **Andrews**. There are several questions I'd like to propound to either of you gentleman, but I guess their essence is really in this question.

The Federal personnel manual provides that an agency's different activities may qualify as separate competitive areas if it is: One, under a separate administration authority; two, independent of other agency activities in operation, staff, work, function, and so forth; and, three, separately organized and clearly distinguished from other agency activities.

OJJDP certainly qualifies to be a separate competitive area in each of these instances, and it would certainly be the intent of Congress that it qualify in light of the 1980 amendments.

The question then is, Why was OJJDP included in the LEAA competitive area when it could have qualified as a competitive area unto itself.

Mr. **Morris**. Let me have Mr. Flickinger respond to that.

Mr. **Flickinger**. Mr. Chairman, I guess I should say at the outset, we're in an area of some uncertainty here, because this precise issue is a matter of litigation at the moment.

Because of that, I'm not certain how far I should or we should proceed in this direction. Mr. Lauer, do you have any recommendation?

Mr. **Lauer**. The extent to which we're permitted to comment on this relates to the pleadings that have been filed in the case that are matters of public information.

There may very well be many more arguments that are being put in briefs right now that will be argued before the court in the fourth week of April.

This matter has been under litigation for the past week or so, and temporary restraining orders were denied by the Federal district court judge. The possibilities of our saying too much are very great right here, and at some point, counsel for the plaintiffs can make a complaint to the judge.

I think if we could stick simply to matters that are in the pleadings, we are on good ground. We would like to submit to the committee a copy of the pleadings that I think would present both sides of the issue.

Mr. **Andrews**. Without objection, the record will be held open to receive that material.

I don't know that we are necessarily looking for both sides of the issue. We're trying to find out what your Department's position is, not necessarily the court's or the plaintiff's or the defendant's, or anyone's except just the Department.

We'd like someone to answer these questions. There may be a lot of mystery in RIF's, but there's no mystery in the question.

Mr. LAUER. I'll take a try at it. The question involves the establishment of a competitive area. We've got a long history of LEAA activity in the juvenile justice field.

If you go down to the dollar figures, you'll see that LEAA put more money into juvenile justice activities than the Juvenile Justice and Delinquency Prevention Act.

There were people in that agency administering those juvenile justice activities over the last 12 or 13 years. That 19.15-percent figure that we always see coming up was no accident. Up until 2 years ago or so, both plans were put together. They were in the same document. The same people, in effect, were administering these programs. To the Department of Justice, we were a 300-person organization. The Drug Enforcement Administration has nearly 4,000. They're in one competitive area.

The Department views it and viewed it and made their decision on the competitive area on the basis of the way the organizations were structured, on the basis of the functions that were performed, and on the basis of the job sheets and the similarity of job sheets and the background and training of the people.

Mr. ANDREWS. With all due respect, sir, to your answer, and I'm sure the history of it and so forth has some bearing, I don't mean to belittle your answer at all, but it doesn't really address the question.

Mr. LAUER. I might add, Mr. Chairman, the union contract also provides, and we were trying and have been trying, to follow the union contract and follow the laws and regulations of the Government. Personnel systems are set up by civil service acts.

I think people on both sides of this issue have rights, and an LEAA employee, just because he's an LEAA employee, does not have less rights than a juvenile justice employee.

Mr. ANDREWS. I guess the difference in approach here is that certainly I share your consideration for these employees however, with all due respect that's not the purpose of the program. The purpose of the program has nothing to do with the rights of one employee over another.

The purpose of the program is to try to help this nation with the problems that confront juveniles, and particularly certainly delinquent juveniles. It's those people the program is interested in.

Mr. LAUER. Absolutely, Mr. Chairman.

Mr. ANDREWS. We want the best people there to administer these programs for the benefit of these youths, their families, their communities, their schools, and the other institutions to which they belong. That doesn't really concern itself with the question of where some LEAA employee should or shouldn't go in terms of his or her rights.

Let me address the question instead, if I may. You have a copy of it. Let's go through the question and see where the difference is. This doesn't deal with philosophy.

We're talking now, as I understand it, about the law, not about union contracts or whatever. Let me ask you first, if you agree that the Federal personnel manual provides that an agency's different activities may qualify as, and I quote, "separate competitive areas if it is: One, under a separate administrative authority; two, independent of other agency activities and operations, staff, work, function and so forth; and, three, separately organized and clearly distinguished from other agency activities." Are we in agreement so far that that is what, in fact, the Federal personnel manual does provide? Is that correct?

Mr. **Flickinger**. Yes, sir, I think that's correct.

Mr. **Andrews**. Second, I contend, at least, that OJJDP qualifies to be a separate competitive area in each of these instances and that it would certainly be the intent of the Congress that it qualify in light of the 1980 amendments.

Is there anything wrong with that statement? Do you take issue with any part of that sentence?

Mr. **Flickinger**. I think that's where we clearly get into some area of discussion. It's not at all clear that there is a separateness, an explicit separateness in all of these factors.

Mr. **Andrews**. Let's run through it now and see. I don't think that's part of it. I don't think it says that. Let's look at what it says.

No. 1, is OJJDP under a separate administrative authority, or is it not?

Mr. **Lauer**. Mr. Chairman, it's under the authority of the Attorney General, as we argued in our case before Judge Oberdorfer, and he did not issue the temporary restraining order that was requested last week.

The Department of Justice is a separate department, and everything is under the authority of the Attorney General.

Mr. **Andrews**. Sir, that logic could be, I'm sure, carried on and on. So is the Justice Department a part of the executive branch and hence under the President.

Mr. **Lauer**. That's right, and we're all bound by the same rules.

Mr. **Andrews**. You can philosophize on and on, but is it not true that there is a separate administrative authority enacted by law for OJJDP?

Mr. **Lauer**. Sir, the Juvenile Justice and Delinquency Prevention Act has separate grant making and contracting authority in the administrator. It does not separate out the administrative authority. That's why it's part of an overall organization. It's in the legislation.

Mr. **Andrews**. Then, I take it that you would say then that any agency within the overall jurisdiction of the Justice Department that none of them can qualify as separate competitive areas, because they are, in fact, a part of the Justice Department, is that what you're saying?

Mr. **Lauer**. No, sir, I wouldn't say that either.

Mr. **Andrews**. Then how would you differentiate between one thing—let me finish my questions please. How can you say that OJJDP is not a separate administrative authority because it's a part of the Justice Department, that broad a brush, and then say, but some other administrative authority that's under the Justice Department is a separate competitive area?

Mr. Lauer. The regulation that you read at the outset of the question, the OPM regulation, provided authority to set different competitive areas. It did not say that you must establish different competitive areas. That's how I would distinguish.

Mr. Andrews. May I ask then this question? When making a determination as to which of the administrative authorities within the Justice Department qualify as separate competitive areas, is or is not the intent of Congress, as clearly expressed, a consideration in the making of that determination?

Mr. Morris. Yes, it's a consideration. I would point out also that we are under an agreement with our union which is binding to the Department as well.

Mr. Andrews. Then, is the question perhaps, which takes prominence, the mandate of Congress or the contract with the union?

Mr. Morris. The determination of a competitive area is a matter of administrative discretion based on a number of factors which includes the nature of the organization, the items that you have identified here, and what constitutes a separate administrative authority. These are items of some discretion.

We determined that in fairness to our employees, looking at the total issues and the OPM regulations, that the way to proceed was to include OJARS as a total area for competitive RIF purposes. We believe that is a sound decision, fair to our department, and fair to our employees. We intend to argue that case before the court, and we suspect it will prevail.

Mr. Andrews. Let me go to another question then, if I may, Mr. Morris. In your statement on page four, you state with regard to dislocations, as you call them, within OJJDP, and I quote, "We do not expect the process to adversely affect their continuing activities." Is that perception shared uniformly by the program managers within OJJDP, and specifically Mr. West, the director of the formula grant programs, and Ms. Martin who directs the special emphasis programs?

Mr. Morris. I'm not here to characterize their views. I'm here to characterize the views of the Attorney General and the Administrator of the program.

We do not believe this is going to adversely affect the management of the program, and we're going to take every step to make sure that it does not.

Mr. Andrews. May I ask if these people who have direct authority with respect to this were formally consulted about the decision with respect to the definition of competitive areas?

Mr. Morris. I do not know the answer to that. I do not believe so.

Mr. Lauer. The decision on competitive areas was made initially, well before I was there, when the union contract was negotiated. I do not know if they were particularly consulted on that specific question. The union contract was under negotiation for 2½ years. I find it hard to believe that any manager in the agency, especially a senior level manager, did not know that that was going on at the time.

Mr. Andrews. Do you know whether, in fact, Ms. Emily Martin sent a memorandum through as to her opinion regarding the doing of this?

Mr. **Lauer**. It was long after the establishment of the competitive areas.

Mr. **Andrews**. What was?

Mr. **Lauer**. Her memorandum.

Mr. **Andrews**. Let me ask, Mr. Raley—if I understand correctly that this subcommittee requested certain people to be here who aren't here—if he knows anything of the history of that?

Mr. **Raley**. Yes, sir, the complete history—to review the normal process of inviting witnesses to testify—is this: Letters were sent in early March requesting Mr. Lauer and Mr. Morris to be present; a subsequent letter signed by the staff director, myself, asked that Mr. Howell, Mr. West, and Ms. Martin, who are the directors of the three program divisions, be allowed to accompany Mr. Lauer to answer any questions which came up.

We did not ask that they testify. In fact, we specified they did not have to prepare a written statement, but we did ask that they be available to answer any questions which members might have.

I was then told that we had to have a letter signed by the chairman of the committee before that would be considered, although that had never been the case in the past; we had those letters signed, I believe, March 22. I have copies of those.

[The letters referred to above follow:]

Congress of the United States,
House of Representatives,
Washington, D.C. March 18, 1982.

Mr. Charles A. Lauer,
Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.

Dear Mr. Lauer: This letter is in reference to my letter to you, on behalf of Chairman Andrews, of March 8 inviting you to testify at the oversight hearing on the Office of Juvenile Justice and Delinquency Prevention on March 31, 1982. In order to gain a full understanding of the functioning of the Office in specific program areas, we would appreciate having on hand certain employees of the Office of Juvenile Justice Delinquency Prevention with primary reponsibility for the management of those program areas. Those employees would be Mr. David West, Director of the Formula Grants and Technical Assistance Division; Ms. Emily Martin, Director of the Special Emphasis Division; and, Dr. James Howell, Director of the National Institute for Juvenile Justice and Delinquency Prevention. It will not be necessary for these individuals to have prepared statements, but we would like them to accompany you in order to answer any questions which may arise.

Thank you for your assistance in this regard. We look forward to your testimony on March 31.

Sincerely,

Gordon A. Raley, *Staff Director.*

Congress of the United States,
House of Representatives,
Washington, D.C., March 22, 1982.

Mr. Charles A. Lauer,
Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.

Dear Mr. Lauer: On Wednesday, March 31, 1982, the House Education and Labor Subcommittee on Human Resources will conduct on oversight hearing on the Office of Juvenile Justice and Delinquency Prevention. I am pleased to extend on invitation to yoyu to appear before the Subcommittee to represent the Office of Juvenile Justice and Delinquency Prevention.

In order to gain a full understanding of the functioning of the Office in specific program areas, we woudl appreciate having on hand certain employees of the Office of Juvenile Justice and Delinquency Prevention with primary responsibility for the management of those program areas. Those employees would be Mr. David West, Director of the Formula Grants and Technical Assistance Division; Ms. Emily Martin, Director of the Special Emphasis Division; and, Dr. James Howell, Director of the National Instituter for Juvenile Justice and Delinquency Prevention. It will not be necessary for those individuals to have prepared statement, but we would like them to accompany you in order to answer any questions which may arise.

The March 31 hearing will take place in Room 2261 of the Rayburn House Office Building, beginning at 10:30 a.m. If possible, at least 25 copies of your written testimony should be filed with the Subcommittee clerk 24 hours in advance of the hearing. The testimony should be addressed to: Honorable Ike Andrews, Chairman, Subcommittee on Human Resources, U.S. House of Representativers, 2178 Rayburn House Office Building, Washington, D.C. 20515.

Please direct any questions you may have in this matter to Gordon A. Raley, Staff Director to the Subcommittee on Human Ressources at 225-1850.

Sincerely,

IKE ANDREWS *Chairman.*

Mr. RALEY. Following that, I had discussions with various members of the Justice Department, originally Mr. Rob Wilkins, who explained that it was not a policy of the Justice Department to allow program people to testify before Congress.

I inquired as to the reason for that and was told that they only wanted policy people testifying, and in the initial conversation, he said they really wanted to have testimony that would be consistent with this administration's views.

I asked Mr. Wilkins to have a letter sent to us saying specifically that those individuals would not be allowed to be present. Such a letter has never been received. I do understand that the individuals were told that they would not be permitted to testify this morning or to be present.

Mr. LAUER. That's not correct.

Mr. RALEY. That's just my understanding.

Mr. LAUER. That's not correct. Two of the three employees submitted annual leave requests since they are not Department witnesses. I signed those requests yesterday in deference to your request.

Mr. RALEY. Were they told that they would not be permitted to testify or answer questions for the committee?

Mr. LAUER. No, sir, they were not told that. They were told that they would not be brought up as Department of Justice witnesses and would not testify as Department of Justice witnesses. If they chose to take annual leave and testify in their own capacity or make a statement or do anything else in their own capacity, they could do so.

They are still Department of Justice employees, and they are associated with a lawsuit, and they're under the same kinds of restrictions that we are.

Mr. RALEY. Would it be permissible then for them to answer questions for us this morning, should such questions arise?

Mr. LAUER. That's a matter of the committee's discretion. I approved their annual leave. As far as I'm concerned, they're up here as private citizens.

Mr. ANDREWS. Another question, if I may. According to the 1983 budget document, the Department of Justice anticipates more than 1,400 unfilled positions at the end of 1982, not counting those within the Office of Justice Assistance, Research and Statistics.

[The information referred to above follows:]

Justice Department unfilled positions by program area

Program area:	*Unfilled positions*
General administrators	43
U.S. Parole Commission	5
Legal activities	383
FPI	667
Immigration and Naturalization Service	60
Drug Enforcement Administration	77
Federal prison system	233
Office of Justice Assistance Research and Statistics	15
Total	1,483

Excluding OJARS, the Department has an estimated 1,468 unfilled positions for 1982.

Source: Budget of the U.S. Government—fiscal year 1983, page II-35 and 36.

Mr. ANDREWS. Why aren't LEAA employees considered qualified for these positions?

Mr. FLICKINGER. It gets back basically to something alluded to earlier here. It's a matter of forcing square pegs into round holes. There seems to be a faulty assumption that grants management specialists are easily placed within the Department of Justice.

That simply is not the case. The Department of Justice is not in the grants management business with one clear exception, and that's the exception we're talking about. Despite that constraint, the record in terms of the placement of LEAA employees generally across the Department has been quite good, and I think I would direct the committee's attention to Mr. Rooney's testimony for the Manpower and Housing Subcommittee.

He goes into great detail in terms of the number of people that have been successfully placed and the efforts made by the department to assist in those actions.

Putting this in a little broader perspective, one must only go back perhaps 4 or 5 years to recognize that we had an agency at LEAA of some 900 people. We have now reduced that number to something under 250 without having to resort to any reduction-in-force, without any severe adverse consequences on those employees.

We're now down to a number which, although it is unacceptable, one would be too many. It is not an unreasonable result of some placement activity.

Mr. ANDREWS. I take it then that the answer to the question, "Why aren't LEAA employees considered qualified for these 1,400 unfilled positions?"—I really don't know what your answer was.

Mr. MORRIS. The answer is that many of those unfilled positions are lawyers, FBI agents, drug agents, and the like.

Mr. FLICKINGER. I suspect none or virtually none would be grants management positions.

Mr. ANDREWS. Further in your statement, you mentioned that closeout activities of LEAA grants are still underway. We have been told that between 25 and 50 nonclerical LEAA employees remain. Is that true?

Mr. MORRIS. I think the number is 11.

Mr. ANDREWS. Eleven? What will happen to these employees when the grants are closed out? Specifically, what I'm getting at is will they bump more OJJDP people?

Mr. **Morris**. We would hope that over the 6-month period that we're talking about through normal attrition that we will not have to be in a RIF situation.

Mr. **Andrews**. But if that should not, in fact, occur then will they be eligible to bump OJJDP staff?

Mr. **Morris**. Yes, Mr. Chairman.

Mr. **Andrews**. Mr. Raley, do you have any further questions of the gentlemen?

Mr. **Raley**. No, sir, I don't.

Mr. **Andrews**. Mr. Williams, excuse me, I didn't see you come in. I apologize.

Mr. **Williams**. Thank you, Mr. Chairman. As I understand it, the purpose of the hearing this morning of the Subcommittee on Human Resources is to review the progress of the Office of Juvenile Justice during this past year, and yet we've spent the better part of the morning talking about RIF's and transfers and relocations.

Perhaps that's not unusual, because if there is massive and critical changes in staff, it is not unlikely that that would have a disruptive effect upon the value of the program.

What we really want to know is not so much about the Federal employees being RIF'd, but what is that doing to the program? It seems to me from the testimony this morning that the staff changes are massive and are critical. How likely is it that that will be disruptive to the Office of Juvenile Justice?

Mr. **Morris**. We're talking about nine positions in an organization of 62. We believe the people coming in are qualified. Clearly there's disruption when friends and associates leave, and new people come onboard, but we believe that that is temporary and that the program will continue effectively, as it has in the past.

Mr. **Williams**. I had understood that the staff replacements to date were 15. Is it nine?

Mr. **Morris**. Nine.

Mr. **Williams**. Of those nine, how many have experience in juvenile justice?

Mr. **Morris**. Would you like a longer answer or a short answer, Mr. Williams?

Mr. **Williams**. The short answer is fine. How many more replacements do you anticipate?

Mr. **Morris**. I think at present we do not anticipate any further replacements depending on the actions, of course, Congress takes regarding the budget.

Mr. **Williams**. Mr. Lauer, let me ask you a question that could, I understand, take a long answer, and I'll understand if the answer is short.

In your experience with the Office of Juvenile Justice, how well is it working? How well are the programs working? What kind of success are we having across the country with it?

Mr. **Lauer**. You're right. It can take a long or a short answer. My testimony today is the long answer. It's 30 pages. It gives a status report on every major activity of the program.

Mr. **Andrews**. Without objection, we will insert your prepared remarks in the record at this point.

[Prepared statement of Charles Lauer follows:]

PREPARED STATEMENT OF CHARLES A. LAUER, ACTING ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. DEPARTMENT OF JUSTICE

Mr. Chairman, the Office will use this opportunity to provide the Subcommittee with a report on the status of all major program activities.

Formula Grant Program:

Section 223(a)(12) through (15) of the Act contain the major deinstitutionalization, separation, jail removal and monitoring clauses of the Act. The status of state implementation of these clauses follow:

Fifty-one States and Territories currently participate in the JJDP Act. The six States not currently participating are:

Hawaii
Nevada
North Dakota
Oklahoma
South Dakota
Wyoming

December 31st of each year has been established as the date States must submit the annual monitoring report. According to the most recently submitted State monitoring reports, all States participating in the formula grant program have made progress in deinstitutionalizing status offenders. The following 49 States have evidenced, at least, a 75% reduction in the numbers of status offenders and non-offenders held in detention since participation in the Act:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
Dist. of Columbia
Missouri
Montana
New Hampshire
New Jersey
New Mexico
New York
North Carolina
Ohio
Oregon

Florida
Georgia
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Pennsylvania
Rhode Island
South Carolina
Tennessee
Texas
Utah
Vermont
Virginia
Washington
Wisconsin
Puerto Rico
American Samoa
Guam
Trust Territories
Virgin Islands
No. Marianas

Of this list, 24 States have been found to be in full compliance with the status offender deinstitutionalization provision of the Act.

The nationwide baseline data for the number of status offenders and non-offenders held in secure detention and correctional facilities was determined to be 198,795. This figure was calculated from the baseline information provided in the 1979 monitoring reports. With approximately 35,039 being currently held, the number of status offenders and non-offenders held in secure facilities over the past five years has been reduced by 83.4%. This computes to a national ratio of 57.9 status offenders and non-offenders securely held per 100,000 juvenile population under age 18.

The following forty-five States have demonstrated progress in separating juveniles from adults in jails, detention facilities and correctional facilities:

Alabama
Alaska
Arizona
Arkansas
Colorado
Connecticut
Delaware
Dist. of Columbia
Montana
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Oregon

Florida
Georgia
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Pennsylvania
Rhode Island
South Carolina
South Dakota
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Puerto Rico
American Samoa
Guam
Virgin Islands

Of this list, 19 States have demonstrated full compliance with the separation provision of the Act.

In FY 81, the number of juveniles held in regular contact with adults was reduced from 58,058 to 39,041. This is a comparison of those held in regular contact as reported in the State 1979 monitoring report versus the 1980 report. This comparison results in a 32.8% reduction during the past year.

The Congress, in its 1980 reauthorization of the JJDP Act, provided for the removal of all juveniles from adult jails and lock-ups within a five-year timeframe. In addition, however, Congress required that within 18 months of the Act's reauthorization that a report be completed by OJJDP outlining the potential impact of the removal effort. Work is currently underway to collect the information needed to assess the costs and potential ramifications which may result from the removal requirement. Additionally, an analysis will be conducted to determine whether such a requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles. Current estimates indicate that over 479,000 children are held in 8,833 adult jails and lock-ups each year. This report will be complete and will be sent to this Committee on June 8, 1982.

In addition to providing for projects which have accomplished the above, formula funds were also used to fund a number of other worthwhile projects consistent with the formula grant goal areas. These programs generally relate to serious and violent juvenile offenders, alternatives to the Juvenile Justice System, delinquency prevention, improvement of of the Juvenile Justice System, and training of state or local personnel.

As of March 25, the Office has awarded Fiscal Year 1982 formula grant funds to 43 of the participating States. Guidelines for the formula grant program are contained in the December 31, 1981 Federal Register. One open issue related to the Valid Court Order Guidelines. Public Hearings on this guideline were completed last week in accord with Public Announcements contained in the February 9, 1982, Federal Register. A transcript and complete set of written submissions will be shortly available. A final regulation will be issued following our review of all testimony.

Technical Assistance:

The Juvenile Justice Technical Assistance Program is designed to make available the knowledge of juvenile justice and management experts for the successful development and implementation of juvenile delinquency programs. Needs are submitted to the Office from sources nationwide. Regular six-month cycles have been established for the planning and delivery of TA. Each cycle consists of the follwing: needs assessment, workplan development, delivery, documentation and follow-up (if necessary).

During Fiscal Year 1981, over 700 specific technical assistance requests were responded to by OJJDP Contractors.

Those contractors selected to deliver TA are chosen by competitive process in accordance with Federal laws and regulations governing competitive contracts. Each contractor's statement of work sets out a specific Office goal in which the contractor concentrates its efforts. Contracts are in place for this activity in Fiscal Year 1982.

Assistance is provided in a number of ways, for example, on-site consultation, workshops, distribution of materials, or telephone assistance. One of the most effective methods of providing valuable information, however, is through the development of resource documents. During FY 81, the following documents were produced for dissemination by the contractors:

Programs for Serious and Violent Juvenile Offenders,
Delinquency Prevention: Theories and Strategies: 2nd Edition,
Improving the Quality of Youth Work; Strategy for Delinquency Prevention,
Delinquency Prevention: Selective Organizational Change in the Schools 2nd Edition,
A Guide for Delinquency Prevention Programming Through Selective Change in School Organizations,
A Guide for Delinquency Prevention Based on Educational Activities,
Improving the Quality of Youth Work Strategy for Delinquency Prevention 2nd Edition,

Forum on Deinstitutionalization: Selected Reading on Children in Adult Jails and Lock-ups,
Prohibiting Secure Juvenile Detention: Assessing the Effectiveness of National Standards Detention Criteria,
An Assessment of the National Incidence of Juvenile Suicide in Adult Jails, Lock-ups and Juvenile Detention,
Removing Children from Adult Jails: A Guide to Action,
The Unjailing of Juveniles in America/It's Your Move,
National Assessment of Compliance Monitoring Practices for the Juvenile Justice and Delinquency Prevention Act,
Juvenile Justice Restitution Working Papers (Volumes 1-5),
A Policy and Procedures Manual for the Violent Juvenile Offender Sites (Draft),
Preliminary Training Manuals for Project New Pride, and
Replication of Project New Pride

Research and Program Development

Pursuant to the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) is the research, development, and information arm of OJJDP. Its research (including evaluations) is designed to provide the basis for juvenile justice and alternative system program development* and to generate the research data for carrying out the other mandated functions of NIJJDP which include training, curriculum development, standards development, and information dissemination. These services are provided to juvenile justice practitioners at the state and local levels.

Section 243 of the Act authorizes the Institute to conduct and coordinate research and evaluation into any aspect of juvenile delinquency, to provide for program development and to conduct specific studies in the areas of prevention and treatment. Several provisions added by the 1980 amendments to the Act, suggest a program focus on serious and violent offenders, on juvenile gangs, and on the role of the family in delinquency causation and control.

NIJJDP's research and development process has been designed to follow a logical, evolutionary path. This involves: 1) research leading to problem definition and to the identification of intervention program strategies; 2) program development and implementation; 3) testing and evaluation; and 4) dissemination of program information for state and local application.

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*NIJJDP regularly provides the background research for OJJDP Special Emphasis program development.

The general areas addressed by NIJJDP's recent research and development effort include: 1) delinquent behavior and prevention; 2) the juvenile justice system; and 3) alternative programs. A significant emphasis in each area is on work related to serious and violent offenders.

NIJJDP is only about six years old. Its responsibilities include longitudinal research and program evaluations, each of which often requires three or more years to complete. Thus the Institute's work and accomplishments must be viewed from a developmental perspective; its activities (knowledge development and application) are best characterized as incremental, continuous and cumulative.

The first three to four years were devoted to developing a general picture of juvenile delinquency in the United States. This involved collection and analysis of national self-reported data, victimization data, arrest statistics, juvenile court processing data, and data on the numbers of juveniles in various types of facilities. These efforts established the first reliable national estimates of the magnitude of the delinquency problem and baseline data for monitoring trends in the volume and patterns of delinquency in the United States.

The second major thrust of the first few years was to identify the parameters and significant issues in each of the three major areas: delinquent behavior and prevention, the juvenile justice system, and alternatives to the juvenile justice system. This was accomplished through nationwide assessments of existing research and programs. The assessments established the state-of-the-art on such topics as prevention, diversion, serious juvenile crime, juvenile court structure and operations, and alternatives to incarceration. They served to organize information and provide direction for more intensive studies of the causes of delinquency, the policies and practices of the juvenile justice system, and the operation and effectiveness of various alternatives to the system.

The knowledge base developed to date is increasingly applied to: program development, testing, and evaluation; standards development; and the training of personnel in juvenile justice.

A part of NIJJDP's research has assessed the extent and nature of delinquency in the United States. This has included national sample studies of self-reported delinquency and drug use;[1] analyses of victimization data;[2] analyses of official police, court and corrections data;[3] cohort and other longitudinal research (local samples) pertaining to the frequency, patterns, and trends of delinquent behavior;[4] and a national assessment of juvenile gang activity.[5] Such research has dealt with offender and offense characteristics, with the magnitude of violent and serious juvenile crime as compared to less serious delinquency,[6, 7] and with the measurement of relationships between juvenile and adult criminal careers.[8]

The direction of overall findings suggests that there has not been a measurable increase in delinquency over the last five years. However, the extent of the delinquency problem must be considered unacceptable, since juvenile arrests make up over forty percent of all arrests for serious offenses. Also, while violent juvenile crime constitutes a relatively small percentage of all juvenile offenses, such crime poses a substantial threat to public safety and incurs social and economic costs that are proportionately greater than its prevalence in the total crime picture.

Particular studies show that while perhaps as many as 90% of youth under 18 years of age commit an adjudicable offense at one time or another, it is only 5-15% of youth (according to birth cohort samples which include repeat offenders) who are responsible for upwards of 80% of violent or other serious offenses. Much of this serious and violent criminality among juveniles occurs in the context of youth gangs. It is estimated that there are about 2,200 gangs with 96,000 members located in approximately 300 U.S. cities and towns.

Besides studies of the extent of delinquency, NIJJDP research has also addressed the juvenile justice system's processing of juvenile offenders. Results indicate that, in contrast with past increases, there has been a leveling off in the volume of cases handled by juvenile courts, and a marked decrease in the detention and incarceration of status offenders over the last three to five years.[9] A major NIJJDP concern with regard to justice system processing of offenders has involved dispositions and sanctions imposed on juveniles. Specifically some Institute supported research results question the effectiveness of secure custody for most juvenile offenders, both in terms of the high cost and exhanced recidivism associated with incarceration. While violent and dangerous offenders certainly require secure custody, there is indication that even some serious offenders can best be handled in community based programs,[10] which link correctional measures with community reintegration efforts. Other NIJJDP-sponsored research has called into question the efficacy of adult court handling of serious and violent juvenile offenders.[11]

In connection with the above, a third area of NIJJDP research concentration (including evaluation research) represents a focus on alternative programs to the traditional justice system approaches.[12] Study results show that general diversion programs are no less effective than regular justice system processing.[13] Moreover, preliminary evaluation results show restitution programs, including payments to the victim and public service by the offender to be successful alternatives to traditional probation or incarceration which allow crime victims to recover an average of 84% of their net loss.

Overall, NIJJDP supported research (particularly an evaluation of the major correctional reform in Massachusetts leading to deinstitutionalization of juvenile offenders) has established the community, not the secure care institution, as the effective environment for delinquency control.[14] Such research stresses the importance of reintegration of juvenile offenders and of the expansion of legitimate opportunities for youth in the community.

NIJJDP's research, in addition to providing the findings summarized above, has led to the development and improvement of prevention, justice system, and alternative programs. Their research approach has included both research and development (R&D) and evaluation.

A specific example of R&D (research utilization in the designing, implementation and testing of program interventions) is represented by NIJJDP's supported work in the area of learning disabilities (LD) and delinquency. This has resulted in a remediation program for LD afflicted children and in program information applicable to agency personnel training in the diagnosis and treatment of LD.

An example of positive evaluation results is found in the field of law related education (LRE). A national evaluation of six NIJJDP supported LRE projects has shown LRE to have a positive effect on youth behavior and the potential for delinquency prevention or reduction among students enrolled in such courses.

The overall weight of NIJJDP's work to date suggests that delinquent behavior can be controlled through a variety of program approaches, when such approaches are designed and implemented based on sound research data and when programs are rigorously tested and refined in accordance with evaluation results.

NIJJDP's Research Plan for Fiscal Year 1982

In FY 1982 NIJJDP will focus research and development work in the serious and violent juvenile offender area. This includes continuation of an already established violent juvenile offender R&D program. Part I of the program is designed to implement and test strategies for the treatment and reintegration of violent offenders. Part II of the program will test promising indigenous community approaches to the prevention of violent and serious delinquency.

NIJJDP will also continue a prevention R&D program which tests specific interventions (shown to hold promise) with families, schools, peers, and employment in the community.

Further, the Institute expects to update the current knowledge with regard to the prevalence and trends of violent/serious delinquency, and to support research on the careers of violent/serious juvenile offenders in order to improve the predictability of such behavior. It is also planned to initiate a new serious and chronic delinquent

R&D program to test and improve the certainty and efficiency of the prosecution of these offenders and to test the effectiveness of punishment and other sanctions applied to them. Public Comment on planned violent offender research efforts was solicited in the March 17, 1982 Federal Register.

In order to complete work in progress, the Institute also plans to continue support for its national evaluations of OJJDP funded demonstration programs such as the Replication of Project New Pride for serious offenders, Alternative Education, Youth Advocacy, Law Related Education and Restitution.

(Footnote references are available on request.)

TRAINING

During FY 1981, the training program was concentrated in three (3) major areas: Law-Related Education (LRE), Judges and Court Personnel and Alternative Juvenile Justice Programs Personnel.

Law-Related Education

FY 1981 marked the end of Phase I of the OJJDP's LRE program. The results of the Phase I national evaluation indicated that LRE programs had been implemented in more than 130 communities; had obtained agreements from 20 law schools for law student assistance in LRE classrooms; had encouraged participation by scores of justice professionals in delivering LRE; had operated 10 geographically dispersed centers to support LRE; had made in-service teacher training for LRE widely available; had conducted four (4) regional conferences; had staffed LRE exhibits at a dozen events sponsored by others; and had presented five workshops on law pertaining to young persons.

During FY 1981, LRE projects conducted over 109 training sessions for more than 3,876 participants. Of this number, 2,662 were teachers, 951 lawyers; 83 judicial personnel; and 70 law students. In addition, 155 awareness sessions were conducted, 56 seminars, conferences, or workshops were conducted and 91 advisory board, planning or other LRE meetings were conducted. LRE was implemented in more than 3,000 classrooms and was institutionalized on over 1,600 classes. Finally, LRE was initiated at 43 new Phi Alpha Delta chapters and two (2) alumni chapters, over 30 new sites were established in FY 1981 and one foreign country

(Canada) participated in a Moot Court at the United Nations, along with one United States high school. A conservative estimate is that LRE impacted more than 279,690 people.

Judges and Court Personnel

FY 1981 was a progressive year for judicial training efforts. This training, conducted by the National Council of Juvenile and Family Court Judges (NCJFCJ), was available to more than eight (8) categories of juvenile justice personnel. A total of 1,835 participants were trained in 24 training sessions. Of this number, 313 judges were trained, 168 attorneys; 352 probation officers; 94 law enforcement personnel; 80 correction personnel; 575 child care workers; 220 educators; and 33 court-related personnel. In addition, 500 copies of a Public Disposition Resource Manual were distributed. Participants from every state, Puerto Rico, Virgin Islands, Samoa, and one foreign country (Scotland) received training by NCJFCJ.

Alternative Juvenile Justice Programs

The NIJJDP's FY 1981 alternative juvenile justice training program was conducted by three (3) alternative projects: Project Read, National Youth Workers Alliance and the Villages. During FY 1981, these projects trained more than 995 participants at 15 training sessions and 13 conferences, seminars or workshops. Of the participants trained, 175 were teachers; 300 students; 515 juvenile justice personnel; 3 judges; and 2 lawyers. The training covered such vital areas as literacy training; group homes; residential treatment;

shelter care, runaway facilities; counseling; diversion; youth employment; program management; youth participation; substance abuse prevention and treatment; advocacy and service coordination. More than 31 states and 63 communities were served.

Summary of Training Activities

FY 1981 ended with more than 6,800 participants being trained at 148 training sessions, 162 awareness sessions and 69 seminars, conferences or workshops. All states, plus 3 territories and 2 foreign countries were served.

Information Dissemination

The Juvenile Justice Clearinghouse operated by Aspen Systems Corporation at the National Criminal Justice Reference Service (NCJRS) performed most of the distribution functions of NIJJDP. As of September 1981 the requests to the Clearinghouse accounted for 18 percent of all reference requests received by NCJRS, for a total of 3,341 requests. Of this total 913 (or 27 percent) were received via the toll free user's telephone number.

The Clearinghouse also provided information support services to 19 conferences, 8 of which were attended by one of the two Juvenile Justice Specialists of the Clearinghouse. Since the award of the contract in July 1979, approximately 289,406 documents have been distributed by the Clearinghouse for the Office. Of these documents 196,350 were NIJJDP documents (or 68 percent). For FY 81, approximately 54,642 documents were distributed and of that total 50,825 (or 93 percent) were NIJJDP documents. In addition to performing distribution functions, the Clearinghouse assisted NIJJDP in the area of printing and publishing new documents. During FY 81, 3 major issue documents, 3 Assessment Center Reports, and 4 Monographs were printed. At the present time, 11 documents are in process to be published and one document will be released in microfiche.

Information Synthesis

The NIJJDP Assessment Center Program generated a total of 16 reports. Nine reports pertained to the area of serious, violent crime. During the course of the publication review process, a total of 21 Assessment Center Reports have been screened by NIJJDP staff. Additionally, 5 Assessment Center reports have been forwarded to NCJRS for publication and to date, 35 Assessment Center Reports have been determined to be inappropriate for broad dissemination but are available through NCJRS on microfiche, interlibrary loan, and/or the NCJRS Reading Room.

A total of 24 applications were received for the Exemplary Projects Program. One application was selected for a screening and one selected for validation. Currently, 5 applications are pending final evaluation.

Information Systems and Data Collection

The Juvenile Information System and Records Access (JISRA) Project is operated by the National Council for Juvenile and Family Court Judges (NCJFCJ). During FY 81, a merger of the JISRA system and the Child and Youth Centered Information System (CYCIS) was begun. The merger was a result of the need for cooperation between juvenile justice and child welfare agencies and from all indications will enhance the applicability of the JISRA system both individually or in concert with CYCIS. A newsletter entitled "Projections" was initiated during FY 81 and the first issue was released in June.

System transfers were completed in Middlesex County, New Jersey and Las Vegas, Nevada. Currently, the Las Vegas system is undergoing a test stage. In addition, both the Rhode Island and District of Columbia systems were modified and a conceptual design for the "Post-Dispositional Module" for the JISRA system was developed. There were a total of 3 feasibility studies performed, an additional 3 feasibility studies were negotiated and scheduled, and two system demonstrations performed for Cook County and San Bernardino County. The NCJFCJ also planned the "National Symposium for Juvenile Justice Information Systems" which was held from November 1-4, 1981.

The National Uniform Juvenile Justice Reporting System (NUJJRS) Project is operated by the National Center for Juvenile Justice (NCJJ). The Center produced a total of 6 documents of which 4 were in their "final" form at the end of FY 81. NCJJ handled an average of 4 special requests per week. These requests were made by judges, researchers, legislators, the media, and others. Examples of these special requests are the construction of a special data base to study the impact of race in court handling, a special study for the State of Alabama, and the rendering of technical assistance to NCJFCJ. The Center also developed statistical information for the President's Task Force on Violent Crime and for the OJJDP hearings. The Center has also begun work in the areas of "data standardization" and has done some development work in "computer graphics."

Under a grant to the University of Chicago, data collection for the National Surveys of Programs and Agencies Providing Residential and Non-residential Services to Children and Youth with Special Problems began in September 1981.

Approximately 6,000 residential and 2,000 non-residential (out of approximately 10,000 eligible) programs were identified for study. This research is a replication and expansion of a landmark study conducted fifteen years ago and promises to provide the most comprehensive information on programs for youth who come into contact with the juvenile justice, mental health and child welfare systems.

Analysis of the data from the 1977 and 1979 Children in Custody census of public and private juvenile detention and correctional programs was completed by the Census Bureau. The Final Report will be published in the Spring of 1982.

STANDARDS

During FY 1981 the Standards Program concentrated on three major functional areas: standards development and dissemination; program development and planning; and research (legal and social science) related to standards implementation.

Standards Development and Dissemination

FY 81 marked the end of a decade of work related to the development of juvenile justice standards. With the completion of the final revisions of the Institute of Judicial Administration/American Bar Association (IJA/ABA) Juvenile Justice Standards twenty-three volumes of standards and a summary volume of standards will be published.

In all, four major national standards-setting bodies have developed a total of thirty-one volumes dealing with virtually every aspect of the administration of juvenile justice. Recognizing the potential confusion in the field and the difficulty of working with this amount of material, NIJJDP sought to provide a framework for the review and adoption of standards by developing "A Comparative Analysis of Juvenile Justice Standards and the JJDP Act." This analysis concluded that the four sets of standards reflect a substantial agreement with the major policies of the JJDP Act even though particular approaches may vary.

Other efforts to make the standards more readily available were undertaken by the Juvenile Justice Clearinghouse through development of bibliographies and information packages. Over the last year, more than 12,000 copies of the standards developed pursuant to Section 247 of the JJDP Act, Standards for the Administration of Juvenile Justice, were distributed nationwide.

In late 1981, NIJJDP sponsored a series of three Symposia on the Judicial, Administrative and Legislative Uses of Juvenile Justice Standards. The symposia, which were attended by approximately 90 judges, court administrators, attorneys, correctional administrators, law enforcement officers and legislators from the six New England States, enabled these policy makers to become familiar with the content and the potential uses of national juvenile justice standards in their jurisdictions. Responses to the symposia were overwhelmingly favorable and many recommended that, among other things, the concept be expanded to other regions of the country. The FY 1982 Standards plan has incorporated those suggestions.

Program Development

In January 1981, uncertainties regarding FY 82 funding resulted in the postponement of plans to establish a National Juvenile Justice Standards Resource

Center (SRC), which would serve as a focal point to inform the process of adoption and implementation of standards at the State and local level. The primary approach will include intensive training of policy makers in several regions throughout the country.

In response to the Attorney General's Report on Violent Crime, The Chronic, Serious and Violent Juvenile Offender Research and Development Program design was drafted to improve the juvenile justice system response to the population.

Special Emphasis Program:

The current status of the Special Emphasis program is such that three major program efforts were to be largely completed with 1982 funds. These were not slated to receive Fiscal Year 1983 funding. These three programs, along with programs completed in prior years, have covered most of the Special Emphasis program categories authorized by Section 224(a) of the Act.

The 1980 Amendments to the Act provide an impetus to programs impacting youth who commit serious and violent crimes. The status of each program area is set out below. The proposed regulation in the March 8, 1982 Federal Register sets out our expectations on completion of existing and proposed efforts.

Violent Juvenile Offender Projects

The Violent Juvenile Offender Program is a two-part program; Part I is a Treatment and Reintegration Program, and Part II is a Prevention of Violent Juvenile Crime.

For both parts, the Office has funded a National Coordinator to survey existing approaches, develop a request for proposals and manage selected contracts. The Part I Cooperative Agreement for $3,911,411 went to the National Council on Crime and Delinquency on September 30, 1980 (FY 1980). The Part II contract was awarded to the Small Business Administration on September 30, 1980 and to L. Miranda and Associates (an 8-A Firm) on October 6, 1980. The contract was for $400,000. This contract was supplemented with $2,500,000 for site awards on September 30, 1981 (FY 1981).

For Part I, approximately 17 sites were visited by OJJDP, NOSR, NCCD and URSA staff in early FY 1981. A guideline and background paper were developed by NCCD and URSA respectively and released on March 13, 1981. Fifteen applications were received. From these nine were selected to submit final applications. A bidder's conference was held in Kansas City, Missouri on June 16, 17, 1981 to clarify program requirements. Final applications were submitted on July 24, 1981 and the final selection of five sites were made and approved in 1981. These five sites are:

Phoenix, Arizona
Denver, Colorado
Memphis, Tennessee
Newark, New Jersey
Boston, Massachusetts

For Part II, thirty-one projects were surveyed by L. Miranda and Associates and URSA Institute staff from October 1980 through January 1981. A request for proposals and background paper have been developed and approved. It is anticipated that eight projects will be funded by mid-summer.

Youth Advocacy Projects

From April through September 1980, 22 Youth Advocacy grants were awarded throughout the United States. Grants totaled $13,945,936.00.

The Youth Advocacy grantees are located in 18 states, including the southeast, midwest, and western part of the United States. The grantees have focused on making statutes, regulations, policies and practices of the juvenile justice system, the education system, and the social services system more supportive of the needs of youth and their families, and more accountable in expenditure of public and private funds allocated for youth services.

The grantees represent many different types of organizations including the North Carolina Governor's Advocacy Council on Children and Youth which operates under the auspices of the Governor's Office; the Parent's Union for Public Schools in Philadelphia, an independent citywide parents organization; and, the Wisconsin Youth Policy and Law Center, a statewide private, non-profit organization. In accordance with program guideline requirements, all grantees provided letters demonstrating civic and community support for their Youth Advocacy grants.

The 22 Youth Advocacy projects specified 1,338 activities to be implemented in pursuit of their sub-objectives. Some of their educational activities include newsletters, conferences, educational materials and training. Statute revision activities include drafting legislation, monitoring the legislature, and, at the request of legislators, providing expert testimony at committee hearings. Administrative negotiations are being conducted with judges, social service system administrators and school personnel.

The grant period for this program is three years with awards made in increments of 24 months and 12 months. All 22 grantees are currently in their second grant year. They are eligible to receive third year funding during April through September of FY 1982. Third year continuation awards are contingent upon satisfactory grantee performance in achieving stated objectives in the previous program year(s), availability of funds and compliance with the terms and conditions of the grants.

The OJJDP monitoring and the evaluation data from the American Institute for Research, indicate that the advocacy grantees have succeeded in starting most of the activities called for by their project.

Alternative Education Projects

The major objective of the Alternative Education Program is to prevent juvenile delinquency through the development and implementation of projects designed to keep students in schools, prevent unwarranted and arbitrary suspensions and expulsions, and reduce dropout, pushout and truancy rates.

This program was funded in late 1980. A total of $11,544,357 has been allocated to 18 projects located in ten states, Puerto Rico and the Virgin Islands. The 18th project was funded in September 1981. Seventeen of the projects funded have now been in operation for a year and are now in their second year of operation. This includes 94 sites which are mostly school based. Programmatically, most of the projects met their goals and objectives in a satisfactory manner during their first year of operation and have gotten off to a good start in the second year. It is anticipated that all of the Alternative Education projects will apply for third year funding from OJJDP and that 10 will probably meet performance criteria at a sufficiently high level to be funded.

Additional facts of interest on these projects are as follows:

> An estimated 10,000 students have successfully participated in various project related activities.
>
> Eighty-five percent of the projects have initiated some level of systems change within the structures they are working with which are for the most part public school systems. These changes range from simply getting students, parents, teachers, and school officials talking and recognizing each other for the first time to an entire school district adopting an alternative technique to expulsions and suspensions and making these techniques school district policy.
>
> At least 1,000 teachers and school officials have received training in techniques that will help them to better serve targeted students.

POLARIS Research and Development was awarded a contract in August 1981 to provide technical assistance to the Alternative Education projects.

Johns Hopkins University, in conjunction with the Social Action Research Center, is conducting an independent evaluation of the Alternative Education Program.

New Pride Projects

The New Pride projects moved into their second year of operation during FY 1981. Three of the ten projects experienced major problems and were terminated during FY 1981: AYUDATE, East Los Angeles; Boston, Massachusetts; Washington, D.C.

The other seven projects were on target and accomplished the following:

> As of November 30, 1981, New Pride Projects had served 661 youth. A preliminary report by PIRE indicates the projects are meeting target population requirements. "The average New Pride client has 7.8 prior offenses, 4.6 of them sustained by the time of admission to the project." Other important preliminary findings by PIRE include the following:
>
> a) The average monthly percentage of clients committing offenses dropped 2.5 times after admission to New Pride, and the average number of offenses per month dropped 3.7 times. For counts sustained these decreases were 3.3 times and 5 times, respectively.
>
> b) The average percent of unexcused absences from school dropped from 58 percent before the program to 36 percent during the program, or by more than a third.
>
> c) Two-thirds of the New Pride clients had totally dropped out of schools by the time they entered the program.

d) With 72 clients post-tested on the Key Math, the average gain for White clients was 5.46 points, for Black clients it was 12.5 points, and for Hispanic clients it was 12.6 points. All gain score differences were highly significant statistically from pre-tests to post-tests.

All program components are in place, however, there is a need to strengthen the employment and volunteer components of many of the projects during the Third-Year. Many of the projects have begun small business ventures. For example, New Jersey has begun a food preparation and take out service, Florida has established a lawn service, and Kansas City prepares and builds soccer fields and goals. Third and final year awards have been made to all but one of the grantees from Fiscal Year 1982 funds.

Juvenile Restitution Projects

Thirty-six Restitution Projects received third-year funding and operated during FY 1981.

Of these thirty-six, eleven ended their Federal funding period as of October 30, 1981 and five more will terminate as of December 31, 1981. Of the projects for which Federal funding ceased, eleven have been picked up by local funding sources. It is expected that approximately sixty percent of the projects will be picked up by local funding.

The Restitution Program accomplishments for the first two years are as follows:

> The number of youth referred for two years of project operation is 17,300.
>
> The offenses which resulted in these referrals involved more than 18,390 victims and $9.5 million in losses.
>
> Judges ordered 2.5 million in monetary payments, 355,000 hours of community service and 6,052 victim service hours.
>
> Based on data from more than 15,427 closed cases (89% of all referrals), juveniles ordered to make monetary restitution paid $1,532,966, worked 259,092 community service hours, and performed more than 4,060 hours of community service.
>
> Seventy-seven percent of the youth referred are successfully completing their original or adjusted Restitution orders. This successful completion rate goes to 86 percent, if project ineligibles are removed from consideration.
>
> Eighty-three percent of the referrals have had no subsequent contact with the juvenile court after the offense that resulted in a referral to the project and prior to their case closure.

The data provided here is through two years of project operation for the original 41 projects. (36 projects continued into the third year). The data base was closed at this date because of reduced funds for the evaluation and because of the need to begin data analysis with a set data base. MIS forms are still being collected, however, they are not being coded or entered into the computer.

Capacity Building Projects

During Fiscal Year 1981, fifteen grants were awarded to youth serving agencies under The Prevention of Juvenile Delinquency Through Capacity Building Program. A total of $6,701,196 was awarded to fifteen grantees selected from a field of five hundred-forty applicants. The grants are supporting activities which will increase the capacity of state and local governments, public and private youth-serving agencies, and indigenous neighborhood organizations or community groups, to prevent delinquency, develop and utilize alternatives to the juvenile justice system, and improve the administration of juvenile justice.

Twelve of the Capacity Building projects are providing direct services to youths, while three projects are focusing on improving the juvenile justice system through youth advocacy activities. The grants were awarded for two years and it was projected that 12,000 youths would receive a variety of services under these highly individualized projects. Examples of the types of services offered include: tutoring, alternative education, peer counseling, job training and placement, recreation and crisis intervention. At the close of the 1981 Fiscal Year, over 11,000 youths had participated in the fifteen projects; nearly twice the number originally projected.

The Capacity Building awards were staggered between October 1980 and January 1981. Overall, the individual grants are meeting their stated objectives within the appointed timeframes. The projects are now beginning their second year of operation and it is anticipated that the stated goals and objectives will be attained during the approved project periods. No funds are projected beyond the original awards.

Coordinating Council

The Coordinating Council has, as statutorily required, been meeting on a quarterly basis. At the December 1981 meeting, the Council voted to hold public hearings on the adoption of its 1982-1984 Program Plan. An announcement of the public hearings were published in the Federal Register of February 9, 1982, and the hearings were held on March 15 and 16 in Washington, D.C. and March 22 and 23 in Denver. Approximately 60 persons testified at the two hearings. A summary of the testimony provided as well as its analysis will be forwarded to you for your perusal.

In addition to the hearings, the Council is engaged in activities involving the Native American Youth, the detention of youth by other Federal agencies, and development of the Sixth Analysis and Evaluation. In addition, the Office in conjunction with the Council has entered into an Interagency Agreement with the Advisory Commission on Intergovernmental Relations (ACIR) to hold two forums with state and local officials on how the Federal government can reduce barriers and streamline regulations pertaining to youth programming. The Office as part of its Concentration of Federal Effort mandate has, in conjunction with the Department of Labor, just completed funding of 14 projects under the Model Comprehensive Programs for High Risk Youth. These projects are designed to show that barriers to effective comprehensive programming can be reduced and eliminated and there does not need to be a total reliance on Federal funds to develop programs for high risk youth.

The Council is scheduled to meet again in May. At that time an assessment of the testimony presented at the hearings will be provided and an agenda for the next couple of years adopted.

That concludes my report on the status of the OJJDP program, Mr. Chairman. I will be pleased to respond to any questions you or members of the Subcommittee may have.

Mr. LAUER. I think largely because of the staff and primarily because of the activities at the State level, the progress that's been made has been substantial.

As I cite in my testimony, the deinstitutionalization requirements of the act are 83.4 percent net. That involves 24 States in full compliance, 49 States in substantial compliance.

The figures for currently held juveniles, nondeinstitutionalized status offenders or nonoffenders is 35.000 nationwide. This is down from approximately 200,000. In the separation requirement which is the second of the act's major requirements, there are 45 States that have made substantial progress; 19 States that are in full compliance. Just in the past 2 years, 1979 to now, they have reduced the number of juveniles incarcerated with adults from 58,000 to 39,000.

I do not mean to take all the credit at the Federal level for that. I think most of the credit goes to States and State legislatures. A lot of credit goes to LEAA funds which started many of these efforts, and a lot of it goes to this act and these requirements.

Jail removal, which is the third area, started a year ago. The States, through the formula grants division, are being very cooperative in coming up with the report that was in the congressional amendment of last December 1980. We expect to have cost estimates, recommendations, as well as estimates of the numbers of juveniles in the 8,000-plus jails and lockups in this country.

In terms of research standards and training, we've tried to summarize in the testimony the status of all research activities and efforts that are going on in the Federal Government.

We've described what we plan to do in the training area which has been neglected for the past few years. We've got a standards plan under consideration. We have publications in the Federal Register on the serious and violent juvenile offender research initiative which we are putting into place.

The special emphasis programs and all of the other programs are detailed in another Federal Register publication that describes the status of each one and how we are attempting to fund capacity building, new pride programs, alternative education programs, and advocacy programs to their completion.

Our restitution programs, the serious and violent offender research initiatives are both ongoing, and both are fully funded. All our technical assistance contracts are in place or allocated. Forty-five of the States have already received formula grant money for this year. The staff, including some of the RIF'd staff, were very responsible, knowing in some instances that they were going, they got all their work done on the processing of formula grants.

I think it speaks well of them. They took this much better than many of the other people. The coordinating council has had public hearings, five public hearings, here and in Denver over the past 2 weeks, and we've started plan development activity in the coordinating council area.

If you want to get more specific, I'll be happy to answer in great detail.

Mr. WILLIAMS. Thank you. Are you supportive of the continuation of these efforts?

Mr. LAUER. I support fully the Department's position.

Mr. **Williams**. Give me the long answer on the Department's position.

Mr. **Lauer**. The Department's position is based obviously on monetary factors and the economy and the proper role of the Federal Government in these kinds of activities.

There are some of them—that's a medium answer. Do you want a longer one?

Mr. **Williams**. Does the Department support the continuation of these efforts, as you do?

Mr. **Morris**. To whom is that question directed?

Mr. **Williams**. To the same gentleman that I'm having this discussion with.

Mr. **Lauer**. The Department's position is reflected in our zero budget request.

Mr. **Williams**. Well, I hope you're not taken to the woodshed when this is all over. I agree with you. I support the program too, and unlike you, I'm not in a position to have to support my superiors who tell me to come down here and not to really say what I believe. I understand the position you're in.

Mr. **Lauer**. I would like to clarify what I believe.

Mr. **Williams**. Go ahead. I asked for the long answer to begin with.

Mr. **Lauer**. There has been progress, and you've got progress in deinstitutionalization, for example, in State government, that has involved substantial changes in the way the system operates in many of these States over the past 5 or 6 years.

Those laws have been put in place in over 30 States. They've changed their operating procedures. In some instances they've had Supreme Court decisions. There will be no backtracking on deinstitutionalization.

It's going to be harder, yes, but the States are not going to back out of changes that have taken place in their basic operating structure at the State and local government.

Consequently, at some point, the Federal funds have to be pulled out of those activities. That's one example.

Mr. **Williams**. The subcommittee last year held hearings on the various restitution programs, Mr. Morris. What's the status of our efforts toward restitution?

Mr. **Morris**. I think that is in Mr. Lauer's testimony.

Mr. **Williams**. Mr. Lauer, would you answer that?

Mr. **Lauer**. Yes, sir. The restitution grants were completely funded through their final phase. The preliminary evaluation results are in.

As you know, these 39 projects were of a demonstration nature. They have been shown to be cost effective. The recidivism rates are very favorable for the people who underwent these programs. They are starting to be picked up in other jurisdictions, including the jurisdictions where juvenile justice funds started them.

Mr. **Williams**. Does your testimony make mention of the restitution program?

Mr. **Lauer**. Yes, sir.

Mr. **Williams**. Thank you.

Mr. **Andrews**. Incidentally, of course, the statement, without objection, will be submitted in its entirety to the record.

Mr. **Lauer**. Thank you.

Mr. **Williams**. I have no further questions, Mr. Chairman.

Mr. **Andrews**. Mrs. Chisholm, do you have questions of any of the gentlemen?

Mrs. **Chisholm**. No, I want to testify eventually.

Mr. **Andrews**. I do have another question. Section 204(b)(5) requires that the Administrator develop annually with the assistance of the advisory committee and the coordinating council and submit to the President and the Congress an analysis and evaluation of Federal juvenile delinquency programs.

This report was due December 31, 1981. I have three questions with respect to that. Have you submitted the report? Two, if so, has the President responded as he is required to do by section 204(b)(4) of the act? Three, if not, why and when can it be expected?

Mr. **Lauer**. Mr. Chairman, we did develop the report, and it was submitted. The recommendations that the President would make alongside that report are going through the process of approval.

One of the recommendations was internal to the Department of Justice, and it related to incarcerated native Americans and incarcerated juveniles in Federal facilities. There were some meetings and discussions following the recommendations. That was the only one that raised any issue.

We had to go back and rephrase and rewrite that recommendation and resubmit it through the process. The issue, again, was internal to the Department of the Justice. It involved the Immigration and Naturalization Service and their treatment of juveniles who come under their jurisdiction from other countries, and the Bureau of Prisons and their incarcerated juveniles and native Americans and the U.S. Marshal Service which occasionally gets some juveniles under their jurisdiction.

So that was the only open issue, and that's what's caused the delay in the President's response.

Mr. **Andrews**. But you did initially submit your report?

Mr. **Lauer**. Yes, we've sent the report all over.

Mr. **Andrews**. Do you know when you filed your initial report?

Mr. **Lauer**. It was either the first of January or the latter part of December of last year.

Mr. **Andrews**. And then when did you resubmit it?

Mr. **Lauer**. Probably 5 or 6 weeks ago, thereabouts.

Mr. **Andrews**. Where is it now, if you know?

Mr. **Lauer**. I don't know. It's either in OMB—I don't know.

Mr. **Morris**. We can provide that for the record. I'll find out where it is, Mr. Chairman.

Mr. **Andrews**. Without objection, the record will be held open to receive that material.

Again, we're not just trying to be hard to get along with. Presumably there are valid reasons that it's not progressed. If that's the case, fine. I want to know if someone is working on it and expediting it as rapidly as can reasonably be done under whatever set of circumstances exist.

Mr. **Morris**. We'll find out what the problem is and move it along.

Mr. **Andrews**. I would appreciate that. Section 201(c) of the act requires that an Administrator shall head the Office who is nominated by the President with the advice and consent of the Senate.

The question, Mr. Lauer, is how long have you served as the Acting Administrator?

Mr. **Lauer**. For 13 months.

Mr. **Andrews**. Has the President to this date nominated a full-time Administrator?

Mr. **Lauer**. Not that he's told me about.

Mr. **Andrews**. Not that you're aware of from any source, I take it?

Mr. **Lauer**. Right.

Mr. **Williams**. Will the chairman yield on that point?

Mr. **Andrews**. Yes.

Mr. **Williams**. Mr. Lauer, where were you before you came to the Office?

Mr. **Lauer**. I was in the General Counsel's Office, and now I technically serve as the Deputy Administrator of the Office which, by statute, serves as the Acting Administrator.

Mr. **Williams**. Thank you, Mr. Chairman.

Mr. **Andrews**. What is the status of your position with regard to the Vacancy Act of 1968?

Mr. **Lauer**. The legislation, as I just pointed out, the Juvenile Justice Act, has a clause that provides for that kind of a vacancy.

It says where there is a vacancy in the Administrator's job, the Deputy Administrator serves in that capacity. That, in effect, is its own vacancy act.

Mr. **Andrews**. I don't believe you can tell us why the President has yet to name a full-time Administrator so I'll skip that. I don't believe that's an appropriate one for you to attempt to answer.

Mrs. Chisholm, we'd be glad to hear from you as to questions, statements, anything you might have for the good of the cause.

STATEMENT OF HON. SHIRLEY CHISHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mrs. **Chisholm**. Mr. Chairman, I want to thank you very much for the chance to appear before you. As a cosponsor, along with you, of the Juvenile Justice Amendments of 1980, I'm especially concerned about the Office of Juvenile Justice and Delinquency Prevention.

As you know, it is the only Federal program with special responsibility for helping States and local governments to treat and prevent juvenile crime.

Mr. Chairman, as you may recall, I've had a long interest in the use of special emphasis programs to target juvenile justice resources to specific problem areas. In this regard, I offered an amendment to the 1977 amendments to create a program for alternative education for juvenile offenders.

More recently, when H.R. 6704 was brought before the House, I sought an amendment which was included to add, as a new special emphasis program, to specifically address the problems of youth who commit serious crimes.

I understand, and I am pleased that such an initiative has been undertaken. However, I am most concerned that recent decisions by the Justice Department officials allowing LEAA employees RIF'd because of the termination of LEAA to replace OJJDP employees with less seniority may place all of the advances that we've been making in jeopardy.

Now, as I understand it, even though we separated OJJDP from LEAA in the 1980 amendments, 15 OJJDP staff members have already been RIF'd or frankly fired to make places for terminated LEAA staff.

My staff tells me that since Justice Department officials decided to place OJJDP and LEAA in the same so-called competitive area that perhaps by September as much as 90 percent of the current OJJDP staff will be removed.

In other words, Mr. Chairman, those same folk who brought us LEAA which we might all agree was at best an unpopular program are now going to be put in charge of OJJDP which has not only been popular, but also effective.

The problems that this raises are easily discernible. Obviously, having a 25-percent turnover in 1 day's time causes problems. The OJJDP employees being replaced have established relationships and patterns of work with State and local governments and private nonprofit groups which cannot be replaced even by a similarly qualified individual.

However, there is some question as to whether those LEAA employees replacing OJJDP employees are indeed similarly qualified. Now, as I understand the situation, the LEAA employees who are replacing OJJDP employees are not being required to have previous juvenile justice experience.

This hiring departs sharply from previous OJJDP policy which required employees to have juvenile justice experience. Why a change in policy?

Taken altogether, will the separation of OJJDP staff and their replacement with LEAA staff harm the program? I happen to believe that the answer is "Yes."

As you may know, Emily Martin is the director of the special emphasis program within OJJDP. While she's not personally affected the proposed RIF's, at least not yet, she did sign an affidavit on March 22 about the effect she thought that the RIF's would have on her division. Let me submit a copy of the affidavit for the record, and just let me quote a portion for you.

Mr. Andrews. Without objection, the record will be held open to receive that material.

[The affidavit appears in the appendix.]

Mrs. Chisholm. "If it proceeds as planned, the RIF will have an immediate and irreparable effect on the implementation of the divisions major national initiative which are at very critical developmental stages and which are currently managed by employees who will be separated from OJJDP on March 26, 1982. The later replacement of virtually all of the senior staff of the division will result in the total loss of 7 years of experience in the implementation of the Juvenile Justice Act."

Mr. Chairman, these are not my words, but those of the person who has served as division director since 1974. I hope you will have the chance to ask for more about the impact today if she does appear.

Mr. Chairman, in closing, just let me state that I'm not saying today that the procedures followed by the Justice Department are not permissible, but I maintain that if congressional interest for OJJDP to carry out its legislatively mandated activities is considered, these procedures have not been proper, and there is a difference.

They could have made OJJDP a separate competitive area. That would have been permissible and proper, especially after we separated OJJDP from LEAA in the 1980 amendments.

They could have expanded the competitive area for 50 or so LEAA employees who will be terminated throughout the Justice Department. The 1983 budget says that outside of OJARS, the justice and research statistics area, there are 1,456 unfilled positions with the Justice Department. Surely, 50 positions could have been found.

This would have been permissible and proper. They could have at least decided to require that any LEAA employee bumping an OJJDP employee be required, at least, to have past juvenile justice experience. That too would have been both permissible and proper.

But they didn't. They chose a route that may cause irreparable harm to this program's ability to carry out our congressional legislative intent. Why did they choose this route?

There are those who will say that if this administration can't kill the program one way, they will probably kill it in another way.

We must not allow the Office of Juvenile Justice and Delinquency to die. Thank you. [Applause.]

Mr. ANDREWS. Thank you, Shirley, for a very excellent statement and one in which I very much concur.

Mr. Williams, do you have anything further?

Mr. WILLIAMS. In light of Mrs. Chisholm's statement which we appreciate, and appreciate her great and longstanding interest in this effort, I would ask Mr. Morris to answer one of the questions that Shirley offered, and that is, are those who are being transferred into the Office of Juvenile Justice required to have experience in juvenile justice?

Mr. MORRIS. No, it is not a requirement for the position which they are moving into. Four of them, however, do have such experience, and a number of people have quite extensive experience in the area of criminal justice broadly and in the grants management area. One is a GS-14, 5 years' experience as a law enforcement specialist and 6 years as a criminal justice program manager—10 years of experience in the area.

Others have similar backgrounds with bachelors and masters degrees and the like. We believe they're eminently qualified to carry out the responsibilities.

Mr. WILLIAMS. You mentioned earlier, sir, that the transfers had affected nine out of how many?

Mr. MORRIS. Sixty-two.

Mr. WILLIAMS. Nine out of Sixty-two. Give me, if you will, the sense of which positions these nine folks are taking. Are they professionals, managerial professionals? Are they the typists?

Mr. **Morris**. They're grant specialists, midlevel GS-13's, 14's and the like.

Mr. **Williams**. People who then would be expected to affect the direction of the office?

Mr. **Morris**. No merit pay employee manager was affected. At one point, there was one, and he did not get RIF'd. No managers were affected.

Mr. **Williams**. Mr. Chairman, I have just one other question of Mr. Lauer. Section 207 of the act requires that a national advisory committee consisting of 15 members be appointed by the President within 90 days after the enactment of those amendments. That would have been about the second week in March of last year.

The act also requires that that advisory committee meet quarterly and that it submit its annual report to the Congress on March 31, today.

Are you here to submit that report? Do you have it with you?

Mr. **Lauer**. No, I have no report.

Mr. **Williams**. What dates during last year did the committee meet?

Mr. **Lauer**. We do not have an advisory committee.

Mr. **Morris**. May I add something?

Mr. **Williams**. Yes.

Mr. **Morris**. The President's appointments to the advisory committee on Juvenile Justice are imminent. I would hope within the next week or two.

Mr. **Williams**. Well, the President hasn't complied with the law. The law says that he's to have appointed members within 90 days, to have met quarterly, and today, you're to drop the report off here to the Congress and a report for the President.

Mr. Chairman, the President is not complying with the letter of the law, and certainly violating its spirit. I have no further questions.

Mr. **Andrews**. Yes, Mrs. Chisholm?

Mrs. **Chisholm**. Mr. Chairman, I'd like to go back to something that is mentioned constantly by Mr. Lauer and Mr. Morris, I believe.

They have been constantly saying throughout their testimony today that the LEAA employees who would be replacing some of the persons in the OJJDP group are people who have had some kind of broad, extensive experience in the area of criminal justice.

I want to say for the record that it is not merely a question of having broad, extensive experience in the criminal justice area. One of the things that we have known in this country for quite sometime is that it was very, very necessary to begin moving in the direction of alternative types of programs and special emphasis programs for the juvenile justice offender in this country.

For many years, we've been tangling with this, and we saw that in spite of spending a great deal of money that in many areas, we have not had the improvements.

So when this office came into existence, it was most important that we have persons who have had training, taken the kinds of courses, have developed the kinds of relationships with these kinds of young people over a period of time in the community and knew how to work with them, and thus far, it's been clearly indicated that there has been success in this area.

It does not deal just with the person that has this broad kind of extensive criminal experience, because I daresay, if we had been dealing in that way for many, many years, we should have had some major improvements.

The statistics in this country over a number of years have indicated otherwise. What troubles me is that we do not see the efficacy and the importance of dealing with the youth in this Nation who are involved in serious crime and having persons who can work and relate and understand the pathology and psychology of everything that's necessary.

We're going to replace them with people that have a broad kind of experience. I think that is one of the reasons why we establish this bureau, and this is one of the reasons why we have been very, very concerned about the thrust that the Justice Department seems to be taking in this area, and it is very perturbing and disturbing to say the least.

Mr. LAUER. If I may respond, of the nine people that were separated, four or five of them came from LEAA less than 1½ years ago with the same kinds of experience as four or five of the nine that are now going into those jobs.

The numbers are almost the same. Four or five of the people from LEAA that are now going into those jobs have juvenile experience in their background, either as social workers or in the juvenile field, plus the broad criminal and juvenile justice system experience.

You cited Emily Martin. When those employees were hired about 1½ years ago, Ms. Martin specified that they were qualified for those jobs at that time, even though they came from LEAA and had an LEAA background.

In other words, half of those nine people may have had a preexisting juvenile justice background. Half of them that are coming also have that background.

The primary thing that you're saying to me is the attitude is the important factor, the beliefs that they bring to the program, and we couldn't agree more.

I'm sure that all three of my senior levels managers will initiate cooperative arrangements with these people, training programs for whatever training and attitude that they might need.

I don't know that there is a need to tell them this. They've committed themselves, and they've already started to do it properly.

Mrs. CHISHOLM. Mr. Chairman, may I ask for the record, that those persons have been dismissed from the program recently, may I request of the gentleman that we have a copy of these persons, the titles they held and their background and educational requirements.

I'd like that for the record.

Mr. ANDREWS. Mr. Lauer, could that be furnished to the committee?

Mr. LAUER. Yes, sir, it will be.

Mr. ANDREWS. Very good. The record will be held open to receive that material.

Anything further of these witnesses? There's some temptation on my part to try to summarize what we're trying to say, but I think it's amply clear.

We're very dedicated to the program, and we seriously question whether for lack of wanting to specify individual people, whether so-to-speak, the administration shares that sort of dedication, and the fact that no one has been nominated by the President to head this program on a permanent basis after such a long time, many, many months past the time that should have been done.

There's the fact that no national advisory committee has been named. To me, at least, and I won't try to speak for the total committee, but these are strong evidences that there is just not the commitment, as Mr. Williams, I think said, to adhering to either the letter or the spirit of the law.

We think there's considerable evidence, or I think there is. I believe we think there is, to cause us to think that there is not that commitment, that our commitment is not the commitment of the Congress.

The law was passed for the Congress while perhaps technically being carried out or not carried out with the sort of zealous determination to help resolve, as best we can, what we see as a major, major national problem.

I, for one, at least, just don't think that commitment is being shared or carried out by various people who are responsible by law for doing so. I hope I'm wrong in that characterization of what's occurring, but I think what's been said here this morning further substantiates those doubts in my mind.

I think they're shared by many, many people, including many, many people who are now in OJJDP. Having said that, if anyone wishes to respond, of course, you have that opportunity.

Otherwise, I don't have anything else to say at this time.

Mr. MORRIS. I guess I have just a brief closing remark. A year ago to the day, I testified before the full committee outlining what was in our minds a very difficult set of budget cuts across the board in the Department of Justice for the 1982 budget.

We proposed, as you may recall, the abolition, the defunding of this program, and to fold it into a block grant program in accord with the President's new federalism efforts.

The reason that the position at the top of the OJJDP program, and the advisory committee members, were not filled was to await some congressional action through the appropriation process.

You will recall that we have been operating on a continuing resolution since that time. At the end of last year, we got a clear signal that for 1982 this program would, in fact, continue.

On that basis, we've proceeded to constitute the advisory committee, and we will now work with the Congress to see what future direction this program has through the JSIA authorization which we are obliged to forward to the Congress and this committee by May 15.

I assure you, and I think that what all of you have said, is that this program has achieved some important successes, and some of those successes have been achieved in the past 13 or 14 months under this Attorney General and under this President.

As long as this program is in place, I assure you, we will carry it out with the vigor and enthusiasm that we have. It has important goals. We believe that there are other ways to achieve them.

If the law is there and the appropriations are there, we intend to carry the program out.

Mr. **Andrews**. Very well. Thank you, sir, and all of you. We do have a vote on the House floor, so I presume we'll all be going there. I hope we all will be returning. If there are others here who wish to make statements to the committee, we'll be pleased to receive them.

We should be back in, I suppose, about 8 or 10 minutes.

[Recess.]

Mr. **Andrews**. May I have your attention please? The meeting of the subcommittee will come to order. During the testimony, the names Mr. James Howell, Mr. David West, and Ms. Emily Martin were mentioned.

They were referred to. I understand that one or more of them are here. Under the circumstances, it's not my purpose to attempt to require or even to request their testimony.

However, if they should see fit to make any statement to the subcommittee which is pertinent to this inquiry, we would be more than pleased to hear from either or all of them.

STATEMENT OF EMILY MARTIN, DIRECTOR, SPECIAL EMPHASIS DIVISION, OFFICE OF JUVENILE JUSTICE AND DELIQUENCY PREVENTION, WASHINGTON, D.C.

Ms. **Martin**. Thank you, Congressman, for our invitation to make a statement. We are in somewhat of a difficult situation in that we were advised that we could not make statements which are not a part of the public record pertaining to litigation.

It would, therefore, be difficult for us without the advice of General Counsel to know which questions we could answer and which ones we could not.

Mr. **Andrews**. In view of the dilemma you're obviously in, I don't intend to ask any questions. I'd be more than pleased if you would care to make any statement.

We would be pleased to receive it. Of course, it will have to be recorded and made a part of the record, or if you would like to visit with me privately, I would be pleased to meet with you on a confidential basis to discuss with you anything you might have to say with respect to the purposes of this meeting, and it would be treated confidentially.

If you care to make any statement here, we'd be glad to receive it, but, of course, here, we have to, by House rules, everything that's said here is a part of the record.

Ms. **Martin**. I would simply summarily characterize the reduction-in-force which is going on as having a devastating impact upon the program's management of the special emphasis division, both with respect to their continuity as well as with respect to the understanding that persons who have left the program brought to bear on those programs. Our ability to develop innovative programs is severely handicapped and will be severely handicapped by having lost the expertise of persons who brought long-term juvenile justice experience to the development and management of those programs, particularly with respect to the alternative education program and the serious offender program, both of which are at very critical stages in their development.

Mr. ANDREWS. Mr. West, would you care to make a statement?

STATEMENT OF DAVID WEST, DIRECTOR, FORMULA GRANT AND TECHNICAL ASSISTANCE DIVISION, OFFICE OF JUVENILE JUSTICE AND DELIQUENCY PREVENTION, WASHINGTON, D.C.

Mr. WEST. I did not receive any indication that there was going to be a request for our presence here today, and, as a result, I took annual leave.

I was notified yesterday afternoon that we had to be careful not to be in violation of 28 CFR 50.2 and I did ask for a copy of that instruction from the General Counsel that was here a few minutes ago, and they did deliver that to me.

I also asked that perhaps they would stay in order for us to be clear as to what was possible or not possible for us to respond to, but they're not present here.

I would be hopeful that perhaps the information that both Ms. Martin and I have submitted in the litigation is a public document and does indicate our feelings regarding the personnel issues.

Mr. ANDREWS. I take it that it would not be inappropriate, if you cared to do so, if you simply shared with the committee perhaps that written statement which you have submitted to the court?

Mr. WEST. I'd be very pleased to submit that to the committee.

Ms. MARTIN. I would too.

Mr. ANDREWS. The committee would be pleased to receive it. That will be received, and without objection will be made a part of the record of the hearing of today.

Thank you both very kindly for coming, and needless to say, we wish you well.

[The affidavit appears in appendix.]

Mr. ANDREWS. Our next witness is Mr. Robert Aserkoff; we're pleased to have you with us, sir, and Ms. A. L. Carlisle.

[Prepared statement of Robert Aserkoff follows:]

PREPARED STATEMENT OF ROBERT ASERKOFF, VICE PRESIDENT, LOCAL 2830, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES—AFL-CIO

My name is Robert Aserkoff. Until last Friday I was employed as a juvenile deliquency specialist with the Office of Juvenile Justice and Deliquency Prevention, and vice-president of AFSCME Local 2830, which represents the employees of the Justice System Improvement Act agencies.

I have been separated from Federal employment ostensibly because the Law Enforcement Assistance Administration has been eliminated and other JSIA agencies have been reduced in budget and staff. The released employees were forced to compete for a reduced number of available positions within the continuing JSIA subunits. In reality, we lost our jobs because the Department of Justice failed to carry out the elimination and reduction of the JSIA programs in a way that would preclude the necessity of a reduction in force.

During the past 12 months the JSIA managers and Local 2830 fought strenuously for the continuation of LEAA's crime-fighting programs and for the adoption by the Department of Justice of a fair and humane outplacement program for displaced DOJ employees. The objective observer surely must be perplexed by our defeat. The same administration that declares violent crime to be one of its highest priorities has, through an unnecessary reduction in force, jeopardized the integrity of the remaining crime-fighting programs. A cabinet-level agency of nearly 52,000 employees with "Justice" in its title would not bother to plan for the orderly reduction of our programs, nor expend the minimal effort necessary to protect us from the devastation of unemployment.

The Department was scornful of repeated efforts by JSIA management and our Union to convince its top management of the wisdom of an aggressive RIF-avoidance program. The Department of Justice opted for a reduction in force that government budget analysts estimate will cost the taxpayers $13,000 for each employee discharged and will rob remaining programs of qualified and dedicated staff. Following the flush of victory when Congress restored funds to OJJDP, there quickly came to our staff the realization that the Department's refusal to institute an outplacement program to find jobs for those employees whose functions were being eliminated would cause serious disruption to the continuing programs and jeopardize the jobs of those employees left behind. This situation created enormous tensions within the organization, spawned almost daily rumors of political favoritism to one program or another, caused factionalism by groups of employees seeking their own legal redress, and forced our Union into many unpopular positions to preserve some overriding integrity in this process.

I introduced myself to you as a juvenile deliquency specialist. I earned that title through extensive academic training, five years as a juvenile probation officer, and seven years of federal sevice in juvenile deliquency research, innovative program development, and grants administration. I have never been denied a promotion and have never received less than an "exceeds requirements" performance appraisal. By virtue of that record, I managed the Office's most important program, a $7 million Violent Juvenile Offender Initiative to which I had dedicated my time and energies well in excess of my 40-hour week and salary. This is the program that most directly responds to the Attorney General's espoused priority, as articulated by his own much heralded Task Force on Violent Crime. It is a program that holds great promise for preventing violent delinquency and providing effective measures for responding to those dangerous youth.

And yet, I will be replaced by another employee, by virtue of his seniority and veteran's status, who will likely have little or no background in the juvenile justice field. And all because the Department would not place those few people whose positions were abolished in other jobs more suited to them and their employer.

This will happen throughout the Office of Juvenile Justice and Delinquency Prevention. The Alternative Education Program lost a highly qualified, experienced education expert who will be replaced by an individual with a background in adult courts of corrections. The new technical advisor to the Acting OJJDP Administrator has no prior juvenile justice experience. This is critical because the Acting Administrator himself admits to not having a substantial background in the juvenile justice field.

The Special Emphases Division and the Formula Grants Division, two of the Office's principal units, lost 40 percent of their non-supervisory program staff Friday as a result of the reduction in force.

This is a particularly critical period for the formula grant program for two reasons. First, nearly every state has reached the five year deadline for totally removing Status Offenders and Non-Offenders from secure institutions. Second, strategies must be developed in every state to remove children from adult jails and lock-ups as required by the 1980 Amendments. These two mandated activities require extensive technical assistance in the areas of juvenile justice system improvement and alternatives to and for the juvenile justice system—technical assistance which requires that the staff possess the theoretical and practical background in juvenile justice as well as a thorough knowledge of the political and governmental structure in each state.

This recitation is not intended to reflect negatively on the quality of the individuals replacing the juvenile justice staff. They too are dedicated, competent employees, and given sufficient time and training can perform admirably in their new roles. However, it is apparent that this drastic and precipitous staff turnover will significantly disrupt and handicap the entire Office of Juvenile Justice and Delinquency Prevention. This massive staff change has occurred at a time when the JSIA agencies lack the financial resources to adequately train such a large number of employees at one time.

How did we arrive at our current state of affairs? Rather than detailing for this Subcommittee the chronology of events that led some of our employees to their separation date of March 26, 1982, I am submitting for the record the testimony of AFSCME Local 2830 President Kathleen Reyering which she presented before the House Government Operations Subcommittee on Manpower and Housing on January 26, 1982. A review of her testimony clearly illustrates the continual refusal of

Department of Justice officials to undertake a RIF avoidance approach to the dismantling of the LEAA program. On the contrary, the record shows that the Department deliberately cancelled a priority placement program that could have resulted in the placement of employees whose jobs were abolished and thereby eliminate the RIF bumping and retreating that is the source of disruption in the juvenile justice program.

Why did the Department of Justice refuse to reinstate mandatory placement of JSIA employees? Warren Oser, the Department's Director of Personnel, in a meeting held after the Union presented its Congressional testimony, told Local 2830 officials that the reason for not adopting a rational, mandatory jobs program for displaced employees is that such a program "has no high-level support in the Department".

In testimony before the Subcommittee on Manpower and Housing, Mr. Kevin Rooney stated that "we have found that it was just not possible to transport (the LEAA employees') skills and expertise to other functions or other programs.

This allegation contradicted other statements in his testimony in which Mr. Rooney asserted that the Department had made an extensive effort to absorb excess JSIA employees. He noted that DOJ had "managed to place or otherwise assign 125 LEAA employees to positions elsewhere in the Department." How could the Department place these employees if our skills are not transportable? A partial answer lies in the fact that 69 employees who comprised the LEAA audit staff were transferred to the Department when DOJ consolidated its audit functions. The other employees were placed because we do, in fact, have a contribution to make to the Department of Justice. A combination of top-level commitment from Justice managers and intelligent planning for program reductions would have eliminated the need for a reduction in force.

The remaining JSIA units, and the Office of Juvenile Justice and Delinquency Prevention in particular, are facing more severe personnel reductions at the end of this fiscal year. Unless the Department of Justice changes its course and devotes its managerial skills to absorbing employees whose jobs will be eliminated and maintaining program integrity, the JSIA employees and the programs they operate will be doomed to continued disruption, disorganization, and possible failure. JSIA management informed the juvenile justice employees that OJJDP could experience an 80 to 90 percent staff turnover in late Fiscal Year 1982. Surely, this impending disaster does not reflect the intent of Congress or the desire of the American public to see that the Federal Government intelligently and humanely manages its personnel and fiscal resources.

STATEMENT OF ROBERT ASERKOFF, VICE PRESIDENT, LOCAL 2830, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, WASHINGTON, D.C., ACCOMPANIED BY KATHLEEN REYERING, PRESIDENT, LOCAL 2830

Mr. ASERKOFF. Before I begin, sir, I would like to introduce to the subcommittee Ms. Kathleen Reyering who is sitting behind me who is the president of AFSCME Local 2830 and is certainly available to answer any questions that the subcommittee may have.

Mr. ANDREWS. Thank you both for your presence.

Mr. ASERKOFF. My name is Robert Aserkoff. Until last Friday, I was employed as a juvenile delinquency specialist in the Office of Juvenile Justice and Delinquency Prevention, and vice president of AFSCME Local 2830 which represents the employees of the Justice System Improvement Act agencies.

I've been separated from Federal employment ostensibly because the Law Enforcement Assistance Administration has been eliminated, and other JSIA agencies have been reduced in budget and staff.

The released employees were forced to compete for a reduced number of available positions within the continuing JSIA subunits. In reality, however, we lost our jobs because the Department of Justice failed to carry out the elimination and reduction of the

JSIA programs in a way that would preclude the necessity for reduction-in-force.

During the past 12 months, the JSIA managers and Local 2830 fought strenuously for the continuation of LEAA's crime-fighting programs and for the adoption by the Department of Justice of a fair and humane outplacement program for displaced DOJ employees.

The objective observer must surely be perplexed at our defeats on both fronts. The same administration that declares violent crime to be one of its highest priorities has, through an unnecessary reduction-in-force, jeopardized the integrity of the remaining crime fighting programs, and particularly OJJDP.

A cabinet-level agency of nearly 52,000 employees with justice in its title would not bother to plan for the orderly reduction of our programs, nor expend the minimal effort necessary to protect us from the devastation of unemployment.

The Department has been scornful of repeated efforts by JSIA management and our union to convince its top management of the wisdom of an aggressive RIF-avoidance program.

Rather, the Department of Justice opted for a reduction-in-force that Government budget analysts estimate will cost the taxpayers $13,000 for each employee discharged, and will rob remaining programs of qualified and dedicated staff.

Following the flush of victory when Congress restored funds to OJJDP this past year, there quickly came to our staff the realization that the Department's refusal to institute an outplacement program to find jobs for employees whose functions were being eliminated would cause serious disruption to the continuing programs and jeopardize the jobs of those employees left behind.

This situation created enormous tensions within our organization, spawned almost daily rumors of political favortism to one program or another, caused factionalism by groups of employees seeking their own legal redress and forced our union into many unpopular positions to preserve some overriding integrity to this process.

I introduced myself to you as a juvenile delinquency specialist. I earned that title through extensive academic training, 5 years as a juvenile probation officer and 7 years of Federal service in juvenile delinquency research, innovative program development, and grants administration.

I have never been denied a promotion and have never received less than an "exceeds requirements" performance appraisal.

By virtue of that record, I managed the Office's most important program, a $7 million violent juvenile offender research and development initiative to which I dedicated my time and energies well in excess of a 40-hour workweek and salary. This is the program that most directly responds to the Attorney General's espoused priority, as articulated by his own much heralded task force on violent crime. It is a program that holds great promise for preventing violent crime and delinquency and providing effective means for responding to those dangerous youth.

And yet, I will be replaced by another employee by virtue of his seniority and veteran's status who will likely have little or no background in the juvenile justice field. And all because the Department would not place those few employees whose positions were abolished in other jobs more suited to them and to their employer.

This will happen throughout OJJDP. The alternative education program lost a highly qualified, experienced education expert who will be replaced by an individual with a background perhaps in adult courts or corrections.

I don't want to infuse an intended comedic interlude here, but the next fact is that the new GS-15 technical advisor to the Acting OJJDP Administrator has no prior juvenile justice experience.

This is a critical position in our organization, because the Acting Administrator himself admits to not having a substantial background in the juvenile justice field.

The special emphasis division and the formula grants division, two of the Office's principal units, lost 40 percent of their nonsupervisory program staff Friday as a result of the reduction-in-force.

This is a particularly critical period for the formula grants programs for two reasons. First, nearly every State has reached the 5-year deadline for totally removing status offenders and nonoffenders. Second, strategies must be developed in every State to remove children from adult jails and lockups as required by the 1980 JJDP amendments.

These two mandated activities require extensive technical assistance in the areas of juvenile justice system improvement and alternatives to and for the juvenile justice systems—technical assistance which requires that the staff possess the theoretical and practical background in juvenile justice as well as a thorough knowledge of the political and governmental structures in each State relating to youth.

This recitation is not intended to reflect negatively on the quality of the individuals replacing juvenile justice staff. They too are dedicated, competent employees, and given sufficient time and training can perform admirably in their new roles.

However, it is apparent that this drastic and precipitous staff turnover will significantly disrupt and handicap the entire Office of Juvenile Justice. This massive staff change has occurred at a time when the JSIA agencies lack the financial resources to adequately train such a large number of employees at one time.

How did we arrive at our current state of affairs? Rather than detailing for this subcommittee the chronology of events that led some of our employees to their separation date of March 26, I'm submitting for the record the testimony of AFSCME Local 2830 President Kathleen Reyering which she presented before the House Government Operations Subcommittee on Manpower and Housing on January 26, 1982.

Mr. ANDREWS. The record will be held open, without objection, to receive that material.

Mr. ASERKOFF. A review of her testimony clearly illustrates the continual refusal of the Department of Justice officials to undertake a RIF-avoidance approach to the dismantling of the LEAA program.

On the contrary, the record shows that the Department deliberately canceled the priority placement program that could have resulted in the placement of employees whose jobs were abolished and thereby eliminate the RIF bumping and retreating that is the source of the disruption in the juvenile justice program.

Why did the Department of Justice refuse to reinstate mandatory placement of JSIA employees? Warren Oser, the Department's Director of Personnel, in a meeting held after the union presented its congressional testimony, told Local 2830 officials that the reason for not adopting a rational, mandatory jobs program for displaced employees is that such a program, "has no high-level support in the Department," unquote, and, in fact, he called our earlier proposal for just such a program, quote/unquote, "off the wall."

In testimony before the Subcommittee on Manpower and Housing, Mr. Kevin Rooney stated that, "we have found that it is just not possible to transport the LEAA employees' skills and expertise to other functions or other programs in the Department."

How curious a judgment when speaking about men and women with previous experience in police courts, corrections, and justice program management in the Department of Justice.

This allegation contradicted other statements in his testimony in which Mr. Rooney asserted that the Department has made an extensive effort to absorb excess JSIA employees. He noted rather proudly that DOJ had, quote, "managed to place to otherwise assign 125 LEAA employees to positions elsewhere in the Department."

How could the Department place those employees if our skills are not transportable? A partial answer lies in the fact that 69 of these employees who comprised the LEAA audit staff were transferred to the Department when DOJ consolidated its audit functions.

The other employees were placed because we do, in fact, have a contribution to make to the Department of Justice. Then, in April 1981, the Department abandoned this outplacement program.

A combination of top level commitment from Justice managers and intelligent planning for program reductions would have eliminated the need for a reduction-in-force.

The remaining JSIA units and the Office of Juvenile Justice and Delinquency Prevention in particular are facing more severe personnel reductions at the end of this fiscal year.

Unless the Department of Justice changes its course and devotes its managerial skills to absorbing employees whose jobs will be eliminated and maintaining program integrity the JSIA employees and the programs they operate will be doomed to continued disruption, disorganization, and possible failure.

JSIA management recently informed the juvenile justice employees that OJJDP could experience an 80 to 90 to 100 percent turnover in late fiscal year 1982.

Surely, this impending disaster does not reflect the intent of Congress or the desire of the American public to see that the Federal Government intelligently and humanely manages its personnel and financial resources.

I want to close by reciting to you the concluding paragraph of an extremely poignant story by Haines Johnson in this past Sunday's Washington Post, entitled, "RIF."

The articles describes the experience of a lifelong friend of Johnson's, a 50-year-old Korean veteran, and GS-15 career employee in the Labor Department's CETA program, named Burke Walsh.

I would not air Burke's story, nor would he want me to in this space if it were seen only as one more personal account of hardship, valuable though such renderings may be. The larger point involves the damage now being done the Government service. A day will come, if it isn't already here, when the United States will need its most capable citizens to serve. How can the Government possibly expect to attract such people when it and its highest leaders treat them so miserably? To ask the question is to answer it.

Thank you.

Mr. ANDREWS. Thank you, Mr. Aserkoff. Your written statement will be included in the record at this point, without objection.

Ms. Carlisle, we'll be pleased to hear from you.

[Prepared statement of A. L. Carlisle follows:]

PREPARED STATEMENT OF A. L. CARLISLE, CHAIRMAN, NATIONAL STEERING COMMITTEE OF STATE JUVENILE JUSTICE ADVISORY GROUPS, CHAIRMAN, NORTHEAST COALITION OF STATE JUVENILE JUSTICE ADVISORY GROUPS, AND CHAIRMAN, MAINE JUVENILE JUSTICE ADVISORY GROUP

Mr. Chairman and members of the Subcommittee: The Hearing you are holding today is extremely important for juvenile justice, and I am very please to have been invited to share with you some concerns and comments from the perspective of those involved in implementing the Juvenile Justice and Delinquency Prevention Act at the State level, most specifically, the State Advisory Groups.

As you know, Section 223(a)(3) of the JJDPA requires each state which applies for formula grant funds under that statute to appoint an advisory group consisting of between 15 and 33 persons "who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice". In addition, a majority of the members of the advisory group, including the chairman, may not be full-time employees of federal, state or local government, at least one-fifth must be under the age of 24 at the time of appointment, and at least three must have been or must currently be under the jurisdiction of the juvenile justice system. The members of State Advisory Groups are appointed by the governors of the respective states. Their responsibilities include advising the governor and legislature on matters relating to juvenile justice, including compliance with the requirements of the Act; reviewing and commenting on all juvenile justice and delinquency prevention grant applications; monitoring state compliance with the requirements of the Act; developing a comprehensive state juvenile justice plan and reviewing the progress and accomplishments of programs funded under that plan. State Advisory group members serve as volunteers and donate their time and energy to improving the juvenile justice system for juveniles. State Advisory Groups play a key role in the implementation of the Act at the state and local level, and they are most appreciative of the fact that this Subcommittee has strengthened that role.

One of the clear benefits of the Act was the creation of these State Advisory Groups, which provide for an essential role for volunteers within the juvenile justice system. This Act could, in fact, serve as a model of a successful Federal, state and local partnership, whereby the Federal government provides leadership direction, assistance and some resources and the citizens within the states make decisions based on state and local needs and priorities.

As the Chairman of the Maine Juvenile Justice Advisory Group, Chairman of the Northeast Coalition of State Juvenile Justice Advisory Groups (Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania) and Chairman of the National Steering Committee of State Juvenile Justice Advisory Groups, I have been in touch with people from many states, all of whom are in agreement on two issues: 1. The Juvenile Justice and Delinquency Prevention Act must be continued, and 2. the proposed reduction in force at the Office of Juvenile Justice and Delinquency Prevention will be extremely disruptive to the states.

Coninuation of the JJDPA is of parameunt concern to State Advisory Groups and to others involved with juvenile justice. States have made steady progress in complying with the mandates of the Act. Of the 51 states and territories participating in the Act, almost all are in excess of 75 compliance and 24 are in full compliance with the mandate to deinstitutionalize status and non-offenders. Most states are making good progress in the separation of juveniles from adults in secure confinement, and 19 states are in full compliance with that mandate.

In order to achieve compliance with the DSO mandates of the Act, states have had to develop diversion plans and a network of community-based, nonsecure alternatives to incarceration which provide for the least restrictive environment and which encourage working with juveniles within their own homes or communities.

States are concerned that, without the Act, progress made in DOS and separation will be jeopardized and that the initiative to remove juveniles from jail will be stalled. Jails are inappropriate places for children, and juveniles placed in jails all to often suffer both physical and emotional harm. Most children in jails do not require secure confinement and can be detained more humanely and cost-effectively in non-secure settings.

The expanded use of community-based programs and facilities and the removal of juveniles from jails will result in more of the juvenile justice resources being available to deal with the serious/violent offender who is of such concern to the community. The OJJDP and the states are working together to develop and evaluate effective programs which deal with the serious/violent offender and are targeting a larger share of their time and money towards these offenders. The OJJDP has recommended that states program about 30 percent of their funds to the serious/violent offender.

The OJJDP and the states have recognized that positive youth development activities are a promising strategy in preventing juvenile delinquency, and a variety of programs is being developed to implement those strategies. OJJDP's information and expertise in this area are of critical importance to the states in our efforts to prevent delinquency.

In order to fulfill their responsibilities under the JJDPA, State Advisory Groups rely heavily on the staff of OJJDP for policy direction and guidance concerning the complex compliance issues of the JJDPA and for research and information concerning successful program options and strategies for implementing the Act in each state. This assistance must be based on a thorough understanding and working knowledge of the difficult legal and programmatic challenges raised by the JJDPA. To be effective, such assistance must also be tailored to the particular needs of individual states, including those pertaining to unique geographic and demographic considerations, existing administrative, financial and institutional resources and varied approaches to the treatment of juvenile offenders.

The reduction in force at OJJDP, which has already resulted in about 25 percent of current employees being replaced and which may result in as many as 90 percent of the staff being replaced by September 30, 1982, is of grave concern to the states. In the last three weeks, I have spoken with people involved in juvenile justice from over 20 states, and all have agreed that the reduction in force will seriously disrupt and hamper the ability of the states to implement the JJDPA. Many of the experienced employees at OJJDP have been associated with the agency since the enactment of the JJDPA in 1974, but, more importantly, all of them have extensive exposure to the JJDPA and to the juvenile justice system or youth service agencies. The loss of that experience and expertise will deprive the OJJDP of an institutional and programmatic history; will undermine the agency's ability to provide the assistance which states require to achieve compliance with the Act; and will curtail the progress which has already been achieved in implementing the JJDPA in many jurisdictions. The OJJDP's efforts are philosophically and conceptually-based, and concern has been expressed by the Northeast Coalition, among others, that the continuity of philosophy and the implementation of policy will be lost. Current OJJDP staff have been very sensitive to the special needs and problems of individual states. This sensitivity is the result of working together for a number of years. These relationships, based on common knowledge and understanding, will be jeopardized by such a complete change in staff. Some states have indicated that it has taken some time to develop an effective relationship with the OJJDP, and, if that relationship does not provide for effective assistance, withdrawal from the Act is a possibility.

States also question the qualifications of the new staff, who are coming from the LEAA program, in areas such as experience, education, background and knowledge in the juvenile justice area, as well as the desire, motivation and dedication to improving juvenile justice. The monitoring, separation, deinstitutionalization and removal mandates of the Act require specialized expertise for their successful implementation. Without this expertise, states will find it extremely difficult, if not impossible, to fulfill their responsiblities.

Specifically, the reduction in force will negatively impact on the ability of the OJJDP to offer the following services to the states:

1. *Technical assistance*, which is more critical than ever since funds for outside contractors with specialized knowledge are being cut;
2. *Guidance on Federal Regulations*, which has always been difficult but which has improved recently due to the stability of current staff;
3. *Program development assistance*, based on a knowledge of the juvenile justice area and the reality of work in the field tailored to the needs of the agencies, professionals and volunteers involved;
4. *Information on the history of the Act*, which is critical to the continuity of decision making and to the development of current goals and activities;
5. *Knowledge of state programs*, upon which depends the effectiveness of assistance from the OJJDP;
6. *Monitoring assistance*, which is absolutely dependent upon specific knowledge of each state's juvenile code, data collection methods and capabilities and the nature of the detention facilities within the states and consistency of interpretation of monitoring guidelines and regulations;
7. *Background on legal issues involved in the JJDPA, juvenile justice*, such as deinstitutionalization, jail removal and violent juvenile crime; and
8. *Immediate responses to detailed program issues* arising from requests from states requiring prompt attention and information.

To quote one state, "Our position on the RIF is that it will effectively kill the positive momentum of current programs and philosophy and should not be permitted to happen. We just cannot lose that expertise". The massive shift in personnel on the part of the Department of Justice could cripple both the ability and the will of the OJJDP to fulfill the intent of Congress under the JJDPA. Personal contacts, professional credibility and knowledge of the juvenile justice system take years to develop. The OJJDP has historically operated with a small staff. These individuals have been responsive, productive and accountable. In this crucial time of budget cuts, the costs benefit associated with OJJDP effectiveness should be recognized and replicated rather than reduced or eliminated.

In addition to turnover at the Federal level, some states are experiencing the same situation at the state level, whereby LEAA employees, with little or no interest or experience in working with juveniles, are replacing the juvenile justice specialists. States in this situation will be even more dependent upon expert assistance from the OJJDP.

Many of the states also expressed the opinion that a permanent administrator of the OJJDP should be appointed. Since 1975, there have been six OJJDP should be appointed. Since 1975, there have been six OJJDP Administrators or Acting Administrators. The current Administrator has been serving in an acting capacity for well over a year now. The appointment of a permanent administrator would be a clear indication on the part of the Administration that it was, indeed, committed to dealing with the problems of juvenile deliquency and its prevention and would enable the states to concentrate their efforts on working with juveniles in a consistent manner. The Administration's persistent efforts to eliminate funding for juvenile justice cause tremendous confusion and disarray at the state level, both in terms of continuing programs and in beginning new programs and initiatives, and make implementation of state plans extremely difficult. Money was not released until January, and some states still have not received their full awards. Awards are contingent upon approval of state planes, and, with new staff who are unfamiliar with both the states and the plans, awards may be delayed further.

Both the Northeast and Midwest Coalitions have sent resolutions to the President urging him to appoint the members of the National Advisory Committee, which is created by the JJDPA. The National Advisory Committee has an important function to fulfill in advising the President, the Congress and the OJJDP and in providing a national perspective of juvenile justice issues. States also recommend that the National Advisory Committee work more closely with them in the future.

As resources diminish, it becomes ever more critical that efforts directed towards dealing with juvenile deliquency be coordinated. The Federal Coordinating Council provides the mechanism for coordination at the Federal level and a model for coordination at the state level. All departments, agencies and personnel involved in juvenile justice activities, including law enforcement, courts and corrections, must coordinate all efforts if we are to make the most effective use of resources.

In closing, I would like to restate that the JJDPA has been responsible for great improvements for juveniles and for the system within the states but that it is imperative that the Act be continued and funded so that these improvements may be maintained and so that other critical concerns may be addressed. The states appreciate your efforts, Mr. Chairman, and those of your subcommittee and of the Congress in support of the JJDPA. We appreciate your recommendation of continued funding for the JJDPA at the $100-million level, and we will continue to work to ensure that the mandates of the Act are met. We request that you carefully consider the impact of the reduction in force at the OJJDP and that you do all that is possible to ensure that the states' efforts to implement the JJDPA are not disrupted.

I would like to thank you again for inviting me to share some of the concerns and suggestions of the states with you. I would be more than happy to answer any questions you may have.

STATEMENT OF A. L. CARLISLE, CHAIRPERSON, JUVENILE JUSTICE ADVISORY GROUP, CAPE ELIZABETH, MAINE

Ms. CARLISLE. Mr. Chairman and members of the subcommittee, I am very pleased to have been asked to speak before you today, and I would like to present you with a different perspective from what has already been heard.

I am the chairman of the Maine Juvenile Justice Advisory Group. I am also the chairman of the Northeast Coalition of State Juvenile Justice Advisory Groups which consists of advisory groups from the six New England States, New York, New Jersey, and Pennsylvania.

I am also the chairman of the National Steering Committee of State Juvenile Justice Advisory Groups.

The perspective that I would like to share with you today is that of what is happening at the State level, and, more importantly, what effect will these actions, this office, this administration have on the kids.

The purpose of this act was to improve the juvenile justice system for juveniles. It was to prevent juvenile delinquency, it was to come up with better ways of treating juvenile delinquency.

Certainly, the act has led to tremendous progress in a lot of areas, but I don't see by any stretch of the imagination that it has begun to complete its work.

Until such time as we can come before you and say there were no incidents of juvenile delinquency in the country this year, then I do not believe the act will be completely successful.

I have prepared a written statement for the record which I have submitted to you already. Rather than talking or using that, I would simply like to respond to some of the comments that I have heard earlier today.

In order to better explain my perspective, I would like to take just a minute to describe State advisory groups. Each State which chooses to participate in the Juvenile Justice and Delinquency Prevention Act must have a State advisory group, the members of which are appointed by the Governor of the State for their experience and expertise in working with juveniles and in the juvenile justice system.

Advisory groups consist of between 15 and 33 members. One-fifth of them must be under the age of 24 at the time of appointment, and three of them must currently be or must have been under the jurisdiction of the juvenile justice system.

Responsibilities of State advisory groups consist of advising the Governor and the legislature, of developing a comprehensive State juvenile justice plan, of complying and monitoring compliance with the mandates of the Juvenile Justice and Delinquency Prevention Act, and commenting on juvenile justice grant applications.

I also have served as a member of, the criminal justice supervisory board for over 4 years. That is the LEAA board that each State participating in LEAA and the Juvenile Justice Act is required to have.

So some of my comments will be directed to the differences that I see in terms of the LEAA program and the juvenile justice program as well as the functions of the people involved with those two programs.

I believe comments were made here today that are not necessarily so, at least from the perspective of the States. In my various positions, I've been in contact with people from over 20 States in the last 3 weeks.

Those people are State advisory group members, juvenile justice specialists, program people, not-for-profit people, everybody, all people involved in working with juveniles.

They have been unanimous on two points. One, the act simply must continue. We have a long way to go, and, two, the effect of the RIF's on the States will be extremely disruptive.

Contrary to what I have heard previously this morning, the States do not believe that criminal justice specialists or planners are necessarily transferable and capable of being juvenile justice specialists.

The juvenile justice system is very different from the criminal justice system. Working with juveniles is a whole lot different than working with adults. The employees at the office, current employees, are people who have an extensive knowledge of the Juvenile Justice act who have been involved with that act from its beginning in many cases, who have also had extensive experience in the field in working with juveniles and in juvenile programs, who even more importantly, have been involved in implementing, working with the States to fulfill the mandates of that act, and to meet Congress' intent in creating that legislation.

The comment was made earlier that the office had already hired LEAA people previously, and so what was the difference. It is my understanding that the office was never given the choice in terms of who to hire a year ago, but the office was informed that they must hire from LEAA, but that the criteria for those jobs was juvenile justice expertise, experience, whatever.

It was said today that that qualification has been removed. I can't believe that the job has become any less complex, and that the qualifications that were necessary to hold those positions a year ago have changed in anyway that would dictate those jobs could be done by people who have no juvenile justice experience or experience in working with the act.

From the State perspective, we rely heavily on the staff at the office to assist us in what we are trying to do which is to meet the mandates of the act. Yes, we've come a long way on deinstitutionalization.

Certainly, we've made progress on separation. We are only beginning with jail removal. We are only beginning after trial and error to figure out that there may be some effective ways to prevent juvenile delinquency.

We have some theories, we're testing them out across the country. They look very promising, but it's just a beginning.

The serious violent offender initiative is also just beginning. In order to keep these programs going, the States require expert assistance and advice from the people at the office, people who not only know those particular areas, but who also know the particular States.

This relationship between the office and the States has taken a number of years to develop. I think it's taken a while for all the groups involved to realize that if we really are going to do anything about helping kids and preventing delinquency treating it more effectively, we all have to work together.

We have to share what we're doing. We have to be able to trust each other, and we have to understand what's happening in each individual State in order for any assistance provided by the office to be effective.

You have to understand geographic, demographic conditions. You have to understand administrative, financial, and institutional resources available in each State. You have to understand each State's juvenile code, its detention facilities, its institutional facilities, the way the legislature happens to be going at the moment, the personnel involved, or the assistance that the States require is not going to be helpful.

The RIF's that occurred on Friday have already had an impact on a large number of States. Nine people were summarily dismissed. Four people were demoted. In other words, they were moved to lower positions, and in some cases, different areas, like from formula grants to special emphasis. Two people were saved at the last minute.

I had occasion to call the Office on Monday to ask a question about our State plan. I was informed that Maine now had a new juvenile justice specialist, somebody whom I've not met. I don't know what he knows about Maine, but he certainly doesn't know much about what the advisory group is doing or what the State of Maine is doing in terms of specific activities in juvenile justice.

I requested to speak to the former Maine juvenile justice specialist, because I really needed an answer, and I did, and I got my answer.

When I was talking to him, I asked what he was doing. He is currently supervising a new set of States, among them New Jersey. I had occasion to ask a question about New Jersey. The information I wanted dealt with the legislative history, the involvement of the advisory group and New Jersey's whole experience in the separation of 500 juveniles from adults in secure institutions.

Legislation for that activity is pending. It's not happened yet. They've sort of done it by policy, but I was curious as to how long it had taken and what had happened to that.

That information is gone. It is lost. It went with the person who handled New Jersey who left on Friday. These kinds of relationships that can provide individual States, as well as coalitions of States, with specific information will be lost forever.

If that happens, then I fear greatly for the impact on this program and its ability to fulfill the intent of Congress when it established it.

I'd be pleased to answer any questions you might have.

Mr. ANDREWS. Thank you, Ms. Carlisle. Your written comments will be included in the record at this point without objection.

Mr. Williams, do you have questions?

Mr. WILLIAMS. Thank you, Mr. Chairman. I'd first want to note that everyone who has testified here today has testified on behalf of progress in providing juveniles with justice and combating juvenile delinquency.

No one has testified for the preservation of his or her own job. Mr. Aserkoff, given the particular budget crunch that we're in and the budgetary actions of the administration and the Congress last year affecting this fiscal year, are RIF's within the Federal Government necessary?

Mr. ASERKOFF. I don't personally believe that they are necessary. I personally believe that if our executive branch agencies were more carefully managed, if there were more consideration to cross-department skills which there are certainly many, that there is enough work to be done in our Government that will continue that can be accomplished by the current level of employees.

Mr. WILLIAMS. I understand that you're vice president of AFSCME Local 2830. What agreements do you have with your employer concerning RIF policies?

Mr. ASERKOFF. There are two specific citations that relate to RIF's in our contract. One concerns the anticipation of RIF's in regional offices.

You must understand that our contract was signed 3 years ago, that it is now coming up for renewal. A number of its clauses relate to an LEAA that no longer exists. The second clause which appears to be the cause celebre of these hearings is a rather straightforward, yet general statement, that in the event of a RIF competitive levels will be defined as broadly as possible within generally accepted rules and regulations.

Our managers in the Department have construed that clause as license to define the competitive levels without regard to specific expertise of individual employees which will ultimately be determined through outside arbitration, because there are a number of pending grievances that are yet to be resolved.

Mr. WILLIAMS. Ms. Carlisle, as I understand it, you're here representing the Northeast Coalition of State Juvenile Justice Advisory Groups, and you're also chairman of the Maine Juvenile Justice Advisory Group.

We hear a great deal in each subcommittee hearing about how States are willing and able to assume the efforts necessary to continue these programs, once the Federal Government's efforts are removed.

Will the States of the Northeast Coalition, including I assume Maine, assume the efforts necessary to continue the programs which have been set in motion by the Office of Juvenile Justice?

Ms. CARLISLE. The States in many cases, if not most cases, have assumed many of the programs that have been set into place.

I would like to just point out one thing. I'm not here officially representing either the Northeast Coalition or the National Steering Committee. I am the chairman of those two groups, but there was not time to go through any kind of real authorization and prepare testimony, and I would rather just speak for myself with my experience in the other areas.

For example, in Maine, we set up our entire system of groups homes, emergency shelters, emergency foster care, through this program. We set it up in such a way that we would try them out, and the State would then pick up each year more and more of the share until after 4 years, the State would assume the entire share of those programs. That, in fact, has happened.

The State has also picked up programs which have been demonstrated to have been effective in the area of juvenile justice. It is not only deinstitutionalized status offenders. It has decriminalized status offenses.

We don't even have them on the books any more. The State has picked up some of the administrative costs of running the program, the juvenile justice program. These activities have also happened in other States.

To the best of my knowledge, none of the coalition States are planning not to continue in the act in spite of the fact that there is some reduced level of funding, and the States themselves will have to contribute more inkind service as well as actual monetary resources to continue the program.

To the best of my knowledge, the States are still continuing to do that. State advisory groups in some cases have become the supervisory boards and will work even more diligently to make sure those kinds of activities are continued and they serve as a very strong advocate group for juveniles in improving the system.

Can we do it without the Federal Government? No, I don't think so.

Mr. **Williams**. You've offered a number of ways in which the States are willing to assume and have assumed much of the burden of this effort, and yet you conclude your statement by saying without the Federal assistance the States cannot properly continue their efforts.

So would you specify those areas of assistance that are now offered by the Federal Government and are critical to the continuation of the State's direction?

Mr. **Carlisle**. First of all, the act itself is essential. Without the authority in the act that allows people within the States to point out to other people within the State that the act says, and since we participate in the act, it would be difficult to accomplish a lot of things in the area of juvenile justice.

It has not traditionally been in a lot of States an area of high priority. Juveniles don't work. They can't vote, they can't speak for themselves.

It's very easy to ignore them, particularly when you're concerned about prison uprisings and things of that sort. So the act itself allows concerned people within the State to start things moving.

It also provides us with the authority to testify or gives us some authority to testify before our own legislatures on pending legislation regarding matters relating to juvenile justice.

In order for me to do my job as chairman of the Maine Juvenile Justice Advisory Group, for example, I am a volunteer. I spend most of my time, when I'm not taking care of my children, in the area of juvenile justice, mostly with advisory group kinds of things.

I have a masters degree in counseling, and I have worked in the State's institution for adjudicated delinquents as a volunteer. I set up a volunteer program there. I have had some experience in working with juveniles.

However, I am not capable, qualified in every single area of juvenile justice in terms of running a program and figuring out what the most effective strategies would be in terms of preventing delinquency, in terms of providing alternative treatment for kids, community-based programs, things of that sort.

I don't know what works or what doesn't work. The Office of Juvenile Justice allows me and others in my position to take advantage of what the Office has learned based on what States all over the country have tried, what's worked in some States and what's not worked, and to take the components that have worked and see what might work in Maine, so that we don't constantly reinvent the wheel.

They do national kinds of initiatives in which we can be involved and receive the various specific information we need on how do you go about removing juveniles from jails? What is involved in that? How much is it going to cost us? Where do we put them? What's the legislature going to do? Will they buy it? What's the best way to proceed?

More importantly, what alternatives do we need to have in place so that we can counter the concern of the community which might think that that means that all violent offenders are not going to be running around the streets.

To do all of that by ourselves in an isolated corner of the country would not be efficient, would not be effective, and it probably wouldn't work. The office provides us with that technical assistance that we need that can help me directly with the problem I have in Maine. It can help North Carolina, or Montana, or Wisconsin, any of those States, with specific problems relating to those States.

They provide you with the research. They provide you with the history of the act, with the goals, the direction and the reasons why we ought to be moving the way we're moving.

They provide the country with a focus as to what ought to be happening in juvenile justice, where we ought to be headed, how are we going to help kids, and how can we improve the system so that it does, in fact, help kids.

Your whole prevention area is a classic example of the need for the office and some kind of national initiative on this. Maine Advisory Group was wrestling with this issue of delinquency prevention long before I ever became a member.

They talked about it. They thought they ought to do something about it. They tried some things. They couldn't define it. They didn't know what it was. Nobody was interested in doing anything along those lines.

It became apparent to some of us on the advisory group a couple of years ago that we really needed to do something about prevention. We even have a department in the State of Maine that's mandated to do delinquency prevention.

Does it? No. It locks prisons down, it does things like that.

Mr. **Andrews**. Excuse me? You say it locks prisons down?

Ms. **Carlisle**. Yes, we had a lockdown. That's what they call it when they lock everybody in their cells. They lock it down.

We had one of those just about at the time we were going to get the department to talk about delinquency prevention. That was 2 years ago.

So we decided that we really ought to take a look at it, but we did not know where to begin. The office at that time was working with Westinghouse National Issue Center on developing some theories, some strategies and potential programs that might work.

So we received some technical assistance from the Office and from Westinghouse that enabled us to begin this process. We now have four delinquency prevention projects in the State. We have technical assistance that we can provide to communities as to what it is and how it works.

We share that with other States and coalitions and nationally and what other States are doing is also shared with us.

It's almost an impossible concept to sell, and only in the fact that we have the act behind us with a little bit of money to try out some of these things, and the persuasiveness of the advocates for kids who belong to the advisory group and who work in other youth-serving agencies in the State enables us to do this.

Mr. **Williams**. Thank you. Mr. Chairman, Ms. Carlisle has documented rather well the value of a centralized Federal push to the effort to combat juvenile delinquency, and she's spoken too of the States' willingness and ability to pick up some of the effort.

She stated that that can be done, but not entirely successfully if the Federal Government abandons its unique effort to coordinate and push.

This particular program—these programs, are important in this country for obvious reasons, but I have the notion that we're hearing today about that unique genius of this Federal system which is that the Federal Government provides a centralized coordinating effort in concert with the 50 States, and that for more than half a century now, that coordination has worked very well, really beyond the dreams of most people in its success.

I really think that this administration wants to all but abandon the partnership which the Federal Government has had with the States. This talk of turning things over to the State because folks in the States have as much expertise as people in Washington, D.C. is really to mislead the public, because that's not the question.

Where the expertise lies is not the question. The question is, isn't there a certain workable genius in having a centralized function for some of these efforts. There is, and we ought not abandon it.

Thank you, Mr. Chairman.

Mr. **Andrews**. Thank you, Mr. Williams, and I totally agree with what you've said as well.

One of the witnesses this morning was saying, "Do you want a short answer or a long answer?" I think you've done a good job with both, but I just within recent days had occasion to see a short answer.

I visited a runaway youth center. There were 16 kids there. All of them have run away from home. Three of the 16 were from States other than where this facility was located, and I talked with them.

Those three told me the only reason they even knew of this facility and went to it was that they called what we call the Runaway Hotline. The one they called was in Chicago, and they were several States removed from Illinois.

They had learned of that number, and they called that number and found that there was this facility there. They had been there, each of them, for quite some days, and they were in far better shape, they told me, than when they had arrived there. Progress was certainly in the process of being made to cause these children to be able to handle some problems that they had, and within a short time, no doubt, return to their home.

That just can't be accomplished within a State. There's no way that you could have a hotline within a given State, and once the kid leaves that State and goes to another State, there's no way.

That's very simple. Some things surely the State can do as well and perhaps better than can the Federal Government, but I just don't see many people who are attempting to differentiate one from the other.

There's too much of a wholesale effort to just send everything out to the States except the military and maybe the Post Office. There's too much of that.

I think that's what we're in the process of trying to participate in here—is to get some sort of a record, some sort of attention to the fact that there is a necessary Federal role in some of what we're doing. Certainly, I think we've discussed this morning or today a program that is a prime example of one that cannot continue to function anywhere nearly as well as it has and is functioning if, in fact, the Federal cooperative effort is muted—done away with.

Thank you both very much for being a part of that effort, and I think you've made a real contribution to it. Thank all of you who are here for what I assume to be your abiding interest in seeing that this train is kept on the track and headed for hopefully a good destination.

We join you in that wish and in that continued effort. Thank you very much. The meeting is adjourned.

[Whereupon, at 1:16 p.m., the committee was adjourned.]

APPENDIX

[illegible] App 1 - [illegible]

Subject

OJARS/LEAA outplacement program

Date

April 15, 1981

To

Robert F. Diegelman
Acting Director
Office of Justice Assistance,
Research and Statistics

From

Stanley E. Morris
Associate Deputy Attorney General

With respect to our recent conversation concerning the continuation of the OJARS/LEAA outplacement program, while we are sympathetic to your concerns, we must also consider our present circumstances. As a result of the final budget allowances which were recently received from the Office of Management and Budget, we have been forced to continue the hiring freeze for all of the General Legal Activities; the U.S. Trustees program is scheduled to be eliminated; and the Immigration and Naturalization Service, the Drug Enforcement Administration, and especially the U.S. Marshals Service must all be sharply reduced. Given this situation, it would seem to me inequitable as well as impractical to continue the mandatory placement aspect for employees of the Justice System Improvement Act (JSIA) agencies; although JSIA employees should certainly continue to apply for and receive every consideration for those vacancies which are available.

Accordingly, within the next few days, we will be contacting the American Federation of Government Employees (AFGE), in line with their right to national consultation, concerning a proposal to eliminate the mandatory aspect of the present outplacement program.

(insert HP 2-47)

Office of the Attorney General
Washington, D.C. 20530

May 6, 1981

TO: Heads of Offices, Boards, Divisions, and Bureaus

FROM: William French Smith WFS
Attorney General

SUBJECT: Placement of OJARS/LEAA Personnel

On October 22, 1980, a priority placement program was established for employees of all the organizations created by the Justice System Improvement Act (JSIA), the successors to LEAA. This was done in consideration of the reduction-in-force in those agencies which was expected at that time.

However, in light of the newly established budget allocations, it is clear that at least six component organizations of the Department now have on-board employment levels significantly greater than the revised personnel ceilings. Employees of those organizations will also be seeking alternative employment, at a time when few Department components are in a position to hire new persons.

Since these conditions obviously make it both impractical and inequitable to continue the priority placement program, that program is hereby cancelled effective May 15, 1981. The memoranda implementing that program are similarly cancelled.

Nevertheless, I urge all organizations which may be in a position to offer placement opportunities to give serious consideration to candidates from JSIA agencies or from other Department components which may experience cutbacks in the future.

I have directed the Assistant Attorney General for Administration to explore all possible avenues, both internal and external, to insure that all reasonable efforts are made to assist any Department employees who are adversely affected by the budget and ceiling reductions. Your cooperation and support of these efforts will be appreciated.

(Insert APP. 3 - 1pg)

Memorandum

Subject

OJARS/LEAA Outplacement Program

Date

11 MAY 1981

To

All Personnel Officers

From

Warren Oser Warren Oser
Director
Personnel and Training Staff
Justice Management Division

By memorandum of April 29, 1981, the Attorney General has cancelled the OJARS/LEAA Outplacement Program effective May 15, 1981. As of that date, Offices, Boards, Divisions and Bureaus will be free to make necessary selections under normal procedures, subject, of course, to available ceiling and the financial guidance already received.

Attachment

(Insert App 4-2pp)

DEPARTMENT
OF JUSTICE

Order

DOJ 1351.1B

Jun. 16, 1981

Subject: COMPETITIVE AREAS FOR REDUCTION IN FORCE

1. PURPOSE. This order publishes U.S. Department of Justice competitive areas for reduction in force.

2. SCOPE. This order applies to all offices, boards, divisions and bureaus of the
* Department including all field offices. For the purpose of this order, the term "bureau" refers to the Federal Bureau of Investigation, the Bureau of Prisons/Federal Prison System, the Drug Enforcement Administration, the Executive Office for U.S. Attorneys, the Immigration and Naturalization Service, the U.S. Marshals Service, and, collectively, to the Law Enforcement Assistance Administration, the Office of Justice Assistance, Research and Statistics, the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention. *

3. CANCELLATION. Order DOJ 1351.1A is cancelled.

4. BACKGROUND. Agencies are required by the U.S. Office of Personnel Management to establish competitive areas in which employees compete during a reduction in force. These areas may be established geographically or organizationally or both. Each competitive area outlines the boundaries of competition.

5. COMPETITIVE AREAS. Competitive areas for reduction in force purposes in the Department are based on both geographic and organizational considerations. Since headquarters organizations and field organizations are independent of each other in terms of operation and work function, they are designated as separate competitive areas even when located physically within the same local commuting area.

   a. Headquarters Areas. Elements of headquarters organizations which are located outside of the local commuting area where the headquarters organizations are located will not be included in the headquarters competitive area for reduction in force purposes. Such elements will be treated as separate competitive areas.

* (1) The entire headquarters organization of each office, board, division, and bureau are separate competitive areas. *

Distribution: OBD/H-3; OBD/F-2
BUR/H-3; BUR/F-2
SPL-2

Initiated By: Justice Management Division
Personnel and Training Staff

(2) The headquarters organization of the U.S. Parole Commission is a separate competitive area.

(3) The headquarters organization of the Community Relations Service is a separate competitive area.

* (4) The Foreign Claims Settlement Commission is a separate competitive area. *

b. Field Areas. In the field, a competitive area ordinarily is not smaller than a field organization; that is, a field office which is independent of other offices in operation and work function and in which employees are assigned under a single administrative authority. In the interest of economy, there may be instances in which two or more field organizations are collocated in a common physical facility. This physical grouping does not alter the organizational independence of the field organizations. Even if located side by side, each is still a separate entity and, accordingly, is designated a separate competitive area. When, however, a field organization includes units in more than one local commuting area, a separate competitive area is established for each of the commuting areas. Conversely, units of a field organization physically located at different worksites within the same commuting area are combined together and thus constitute a single competitive area for reduction in force purposes.

c. Modification of Areas. Modification of the competitive areas, as stated above, requires the prior approval of the Director, Personnel and Training Staff, Justice Management Division. Any approved modifications will be published to all affected employees within the modified areas by the originator of the request for such modification(s).

6. DEFINITION OF LOCAL COMMUTING AREA. Local commuting area means the geographic area which usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and reasonably can be expected to travel back and forth daily in their usual employment. As a general rule, the local commuting area for mid to high population density areas is an area within a 35 mile radius of the worksite. However, in low population density areas, the local commuting area may be expanded to meet reasonable commuting requirements depending upon local area needs and practices. Appointing officers are responsible for making judgmental determinations of this nature prior to the initiation of reduction in force action. Such determinations need not be published, but must be documented and filed for review by interested parties.

Kevin D. Rooney
KEVIN D. ROONEY
Assistant Attorney General
for Administration

THE WHITE HOUSE

WASHINGTON

August [illegible], 1981

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
AUG 7 1981

exact
APP 5-fg

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS
AND AGENCIES

SUBJECT: Aiding Federal Employees in Reemployment

Reducing and streamlining the Federal bureaucracy is central to the economic recovery of America. This means that some Federal employees are facing the prospect of losing their jobs. I am determined to minimize as much as possible the adverse impact of these reductions on the individuals involved.

To do this, each department and agency reducing its employment level must be aggressive in its attempts to find employment for individuals who are facing the loss of their jobs. It is vital that full consideration be given these employees for positions in the Federal Government.

Every department and agency has an obligation to support the interagency placement efforts being coordinated by the Office of Personnel Management. OPM has now expanded opportunities for Federal workers in reduction-in-force situations in both the public and private sector job markets. What is needed now is willingness and determination by you and your management teams to make the best use of these mechanisms and assist in their success. I have asked OPM Director, Donald J. Devine, to keep track of our progress in this area. He will be in touch with you in the near future.

Assisting Federal employees who are facing the loss of their jobs is a government-wide imperative. For the sake of those personally affected -- and for the economy -- we must strive to retain the skills of our many talented civil servants in the Nation's work force while reducing the size of Government and redirecting its purposes and direction.

Ronald Reagan

U.S. Department of Justice

Office of Justice Assistance, Research,
and Statistics

Washington, D.C. 20531

insert
APP 6-290

2 OCT 1981

TO: All Employees

FROM: Robert F. Diegelman
Acting Director, OJARS
Robert F. Diegelman

SUBJECT: Status of JSIA Agencies

During the past several days you have heard or read about the latest round of proposed budget cuts by the Administration. I am sure you are wondering what this will mean to you personally. To put it succinctly, the JSIA Agencies probably will have to conduct a reduction-in-force (RIF) sometime within the next six months because of a shortage of funds for salaries and expenses. As of September 19, 1981, the JSIA Agencies were 104 permanent full-time (PFT) and 14 "other" employees over ceiling. ("Other" employees are part-time permanent and temporary personnel.) The charts below graphically display this situation:

	On Board PFT 9/19/81	Proposed 10/1/81	Proposed 9/30/82
OJARS/LEAA/OJJDP/PSOB	241	125	114
NIJ	56	62	60
BJS	21	27	25
	318	214	199
	Others on Board 9/19/81		
OJARS/LEAA/OJJDP/PSOB	64	51	51
NIJ	6	5	5
BJS	5	5	5
	75	61	61

Given the proposed administrative budget for FY 82, a general notice to RIF probably will have to be issued in December or January. During the months of October and November, OJARS shall begin planning for such a RIF in coordination with NIJ, BJS, LEAA, and OJJDP as well as in close consultation with AFSCME-Local 2830. Thirty days after a general notice to RIF is issued, selected notices will be issued with a specific termination date.

During the past year we have been very successful in outplacing JSIA personnel. Our PFT strength is down to 318 from over 500 on October 1, 1980. We are continuing efforts to assist personnel in finding other employment. The Attorney General has been requested to authorize priority hiring consideration for JSIA personnel because of the pending RIF. The JSIA Outplacement Task Force is registering interested employees with the Office of Personnel Management's (OPM) Voluntary Interagency Placement Program (VIPP) and collecting Skills Assessment Summary forms from employees for inclusion in a book to be distributed to other Federal agencies and private sector employers who may be recruiting. An Outplacement Office where information on employment opportunities and counseling has been established on the third floor.

As you may have read in a recent Mike Causey column, the JSIA Agencies were offered early retirement authority. The notification was received September 11, 1981 for the time period August 21, 1981 through September 30, 1981. Since OPM expected this option to be exercised in conjunction with a RIF, we informed OPM that this time period was not opportune for the JSIA Agencies. We did leave the door open to request this authority again if needed.

With regard to Merit Pay employees, there will be a merit increase in addition to the 4.8% comparability adjustment. The amount of the increase will be drawn from a pool of money that would have otherwise gone into within grade raises and award monies for the merit pay employees.

In closing, I want to ask for your continued cooperation in closing out the criminal justice assistance programs. In my opinion, our administration of these programs has always been marked by a sincere commitment to their objectives and a genuine sense of professionalism in their management on the part of all employees. We owe it both to ourselves and to our peers in the criminal justice community to write the final chapters of these programs with the same sense of commitment and professionalism.

(insert APP 9-1/8)

CC-81-10-7-21

Subject
JSIA outplacement program

Date
OCT 6 1981

To
Robert F. Diegelman
Acting Director
Office of Justice Assistance,
Research and Statistics

From
Edward C. Schmults
Deputy Attorney General

I very much appreciate the information which you provided in your memorandum of September 11, 1981, and I am especially encouraged by the vigorous outplacement efforts which are going forward. As much as I sympathize with your plight, however, similar problems are now shared by other organizations of the Department to one degree or another. Recently, for example, we were only able to cancel a reduction in force in one of our organizations at the last moment--when letters had been prepared and were in hand, ready to be issued. Even this may prove to be only a temporary respite as we grapple with the constraints arising out of the new budget. In fact, the new Fiscal Year 1982 budget and ceiling allocations will likely pose the threat, if not the reality, of reductions in force throughout large segments of the Department. Given this situation, I could not very well impose any program which would favor any particular group of our employees.

It would be my suggestion, however, that in addition to what you are already doing, you should definitely take those prudent measures necessary in the event that reduction in force in the Justice System Improvement Act (JSIA) agencies proves unavoidable. Certainly you should do whatever is possible to stabilize the work force, perhaps even freezing promotions and the filling of all vacancies if you have not already done so. Additionally, you should make sure that your retention registers are established and in good order. Should a reduction in force prove inescapable, we will again ask the Office of Personnel Management (OPM) to authorize optional early retirements for eligible, interested, JSIA personnel. Any employees who are then about to be separated will be eligible, too, for entry in the Department's Reemployment Priority List (RPL) which, by law and regulation, will confer upon them even greater benefits than those you now seek. And those with separation notices will also be eligible for OPM's Displaced Employee Program (DEP) which will give them a certain priority with respect to other agencies' vacancies.

While it is true that these measures and programs can only become operational when reduction in force becomes a reality, by the same token, they are also specifically designed to insure that those who actually need assistance will receive it; i.e., those who in fact face separation. Ultimately, therefore, excess employees, whether JSIA or otherwise, will receive priority in filling vacancies.

insert APP 8-1/g

U.S. Department of Justice

Office of Justice Assistance, Research,
and Statistics

Office of the Director

Washington, D.C. 20531

December 3, 1981

TO: , OJARS

FROM: Robert F. Diegelman Robert F. Diegelman
Acting Director, OJARS

SUBJECT: Notification of Reduction In Force

Because of severe budget limitations and the resulting need for a major restructuring of the JSIA Agencies, it will be necessary to conduct a reduction in force sometime between January and March 1982. Since all JSIA Agencies are in the same competitive area, the possibility of some bumping and retreating exists. Therefore, we thought it would be best to notify all employees of this RIF decision even though we expect it to affect LEAA and OJARS the most. Although we do not yet know what all of the individual actions will be, we do know that some employees will be reassigned, demoted, and separated.

At this time we do not know whether you will be able to remain in your present position, or if some other action will affect your employment. Decisions regarding all affected employees will be finalized in the near future. You will receive a specific notice not later than 5 days (15 days for bargaining unit members) before the effective date of any personnel action to be taken in your case. That notice will also provide you with all of the information relevant to your case, including instructions for the filing of an appeal if you are inclined to do so. If you disagree with the action taken, you should not file any appeal to the Merit Systems Protection Board nor should you file a grievance with the Union under the Negotiated Procedure, until the day after the effective date of the personnel action.

We want to assure you that all decisions affecting your employment will be made in accordance with your rights under reduction in force regulations.

This notice expires May 14, 1982. If we have not given you a more specific notice stating the action to be taken, or if we have not extended the expiration date on or before May 14, this notice will expire and you may disregard it.

I regret the necessity for this action. As you know, we have taken every measure possible to avoid a RIF but circumstances now leave us no other choice.

U.S. Department of Justice

Office of Justice Assistance, Research,
and Statistics

Washington, D.C. 20531

file

Rich
Hold for
Hearing File
JJ at Desk.

[illegible]
FYI

insert
App 9-4ff

December 31, 1981

MEMORANDUM TO: George H. Bohlinger
Charles A. Lauer
Benjamin H. Renshaw
James L. Underwood

FROM: Robert F. Diegelman Robert F. Diegelman
Acting Director

SUBJECT: Establishment of Phase Out Planning Group

As you know, we need to bring the JSIA Agencies into alignment with current budget and program realities. Specifically, we need to reduce our personnel levels and reorganize so that we make maximum use of the resources remaining.

Furthermore, we need to plan for and implement the Department's decision to terminate the Law Enforcement Assistance Administration as a separate entity. In a memorandum to me of December 23, the Deputy Attorney General has directed that this be accomplished by conducting a reduction-in-force between January 1, 1982 and March 31, 1982; by transferring all continuing LEAA program with associated personnel to OJARS by March 31, 1982; and by officially terminating LEAA on April 15, 1982, transferring any residual administrative functions and associated staff which may remain, to OJARS effective that date.

Carrying out this task in an effective and fair way is a difficult assignment. To help begin the process, I have established a phase out planning group that is responsible for developing an overall plan for now through April 15, 1982. The group is coordinated by Lynn Dixon. Members include Gil Leigh, Joe Sylvester, Ralph Muros, Don Anderson, Hank Oltmann, Bob Gorman, Terri Boyd, and Al Vander-Staay.

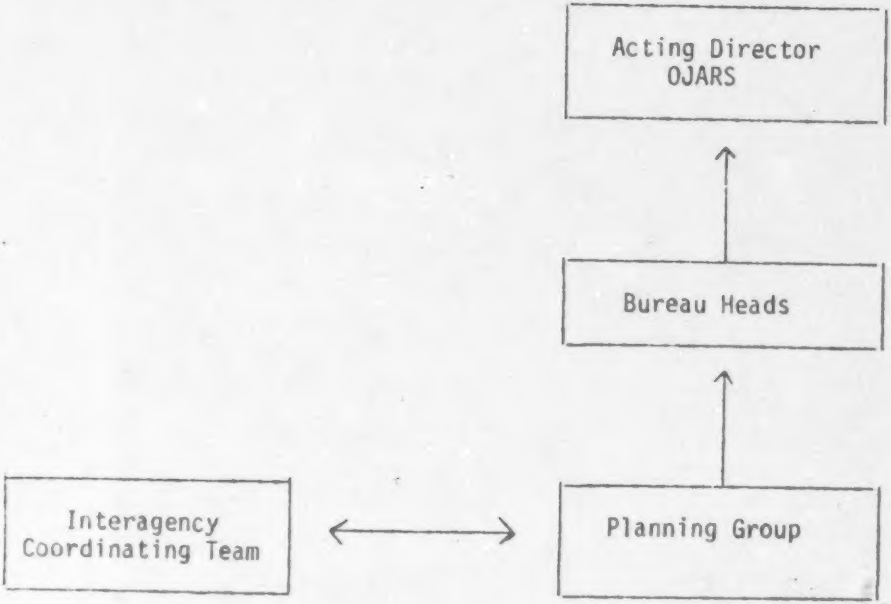
The plan prepared by the group will, to an extent, update the May 1980 Contingency Plan. It will describe actions to date and our current situation, define the remaining workload, delineate personnel and organizational issues, and recommend actions. It will be limited in its scope to the January thru April time period and to actions over which the JSIA Agencies have control.

Involvement of each of the bureaus is important in this planning effort, and will be achieved in two ways. First, I am asking each of you to designate a staff member as the contact point for your bureau. The people you designate will form an interagency coordinating team that will be called on to provide information, raise issues, critique drafts, etc. Secondly, I am directing that any products of the planning group be submitted in draft to you for your review and comment. Therefore, there will be participation by the bureaus during both the drafting stages and during the review and finalization process. The diagram attached outlines the relationships envisioned. We anticipate that a draft plan will be ready for your review by January 14, 1982.

Your help and cooperation in the days ahead are appreciated. With your support, the job will be done within the time frames set by the Department and in a professional and responsible manner.

Attachments

Attachment


Acting Director
OJARS
Bureau Heads
Interagency Coordinating Team
Planning Group

Memorandum

file

Subject

Termination of the Law Enforcement
Assistance Administration as a separate
entity--ACTION MEMORANDUM

Date

December 23, 1981

To

Robert F. Diegelman
Acting Director
Office of Justice Assistance,
Research and Statistics

From

Edward C. Schmults
Deputy Attorney General

As you know, we are in the process of informing the Office of Management and Budget (OMB) and the Congress of our plans to terminate the Law Enforcement Assistance Administration (LEAA) as a separate entity. This is to be accomplished by conducting a reduction-in-force between January 1, 1982 and March 31, 1982; by transferring all continuing LEAA programs with associated personnel to the Office of Justice Assistance, Research and Statistics (OJARS) by March 31, 1982; and by officially terminating LEAA on April 15, 1982, transferring any residual administrative functions and associated staff which may remain beyond March 31, 1982, to OJARS effective on that date.

In my previous memorandum to you dated October 6, 1981, (copy attached), I suggested that, among other things, you should make sure that your retention registers are established and in good order. That presumably having been done, you should be in a position to move effectively now to reduce the size of OJARS so that it more adequately reflects the reduced functions of the Justice System Improvement Act (JSIA) agencies. Accordingly, as a first priority, the positions of those remaining specialists who are no longer needed should be abolished in accordance with reduction-in-force procedures. This action should be taken as soon as possible, without waiting for those actions which will be involved in the larger reduction-in-force associated with the termination of LEAA and should be completed by no later than February 15, 1982.

Recognizing the fact that your own personnel staff is now quite limited, I have asked the Assistant Attorney General for Administration in his oversight capacity under §0.75 of 28 CFR to assure that the necessary reduction-in-force actions are carried out effectively and equitably. Every effort should be made to assure that employee retention rights under the regulations are observed while at the same time minimizing as much as practical the disruptive effects on the JSIA agencies. It is my understanding that he has already assigned one of his key senior personnel officials to assist you in this regard and that other measures are also being taken to provide additional help. I am sure that I can count on your personal interest and support in attaining our mutual objectives within the time frames which have been established.

Attachment

UNITED STATES DEPARTMENT OF JUSTICE
OFFICIAL FILE COPY

OCT 0 6 1981

JSIA outplacement program

/s/
Edward C. Schmults
Deputy Attorney General

Robert F. Diegelman
Acting Director
Office of Justice Assistance,
Research and Statistics

I very much appreciate the information which you provided in your memorandum of September 11, 1981, and I am especially encouraged by the vigorous outplacement efforts which are going forward. As much as I sympathize with your plight, however, similar problems are now shared by other organizations of the Department to one degree or another. Recently, for example, we were only able to cancel a reduction in force in one of our organizations at the last moment--when letters had been prepared and were in hand, ready to be issued. Even this may prove to be only a temporary respite as we grapple with the constraints arising out of the new budget. In fact, the new Fiscal Year 1982 budget and ceiling allocations will likely pose the threat, if not the reality, of reductions in force throughout large segments of the Department. Given this situation, I could not very well impose any program which would favor any particular group of our employees.

It would be my suggestion, however, that in addition to what you are already doing, you should definitely take those prudent measures necessary in the event that reduction in force in the Justice System Improvement Act (JSIA) agencies proves unavoidable. Certainly you should do whatever is possible to stabilize the work force, perhaps even freezing promotions and the filling of all vacancies if you have not already done so. Additionally, you should make sure that your retention registers are established and in good order. Should a reduction in force prove inescapable, we will again ask the Office of Personnel Management (OPM) to authorize optional early retirements for eligible, interested, JSIA personnel. Any employees who are then about to be separated will be eligible, too, for entry in the Department's Reemployment Priority List (RPL) which, by law and regulation, will confer upon them even greater benefits than those you now seek. And those with separation notices will also be eligible for OPM's Displaced Employee Program (DEP) which will give them a certain priority with respect to other agencies' vacancies.

While it is true that these measures and programs can only become operational when reduction in force becomes a reality, by the same token, they are also specifically designed to insure that those who actually need assistance will receive it; i.e., those who in fact face separation. Ultimately, therefore, excess employees, whether JSIA or otherwise, will receive priority in filling vacancies.

opies furnished: Mr. Oser HHF Ex. Sec. ES 228
DR.WVS:HHF:WD:LEProbst:33[illegible]1:cw 9-29-81 tape

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Office of the Attorney General
Washington, D.C. 20530

file

December 16, 1981

Honorable Robert McClory
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McClory:

The recent history of the Law Enforcement Assistance Administration (LEAA) has been difficult. Neither this Administration nor the Carter Administration has sought additional funds for LEAA over the last several fiscal years, nor does this Administration plan to seek funding increases in the future. Many, if not most, of the LEAA grants are moving into termination status. Even with the major personnel reductions absorbed by LEAA in recent years, the agency--in conjunction with all the Justice System Improvement Act (JSIA) Agencies--faces a further reduction-in-force (RIF) in the near future of between 60 and 120 personnel. In short, the LEAA has been moving toward the end of its useful life. Finally, and perhaps most importantly, the expectation has been--on the part of most entities within the criminal justice community--that LEAA's days are numbered and that the agency would soon close. The continued existence of LEAA, even at diminished funding levels, has created a substantial amount of confusion.

It is time to end the confusion and the slow, awkward diminution of the LEAA. We hereby propose to terminate LEAA's existence in the following fashion:

- conduct a RIF between January 1 and March 31, 1982 in such a way as to minimize the disruption of continuing JSIA functions in research, statistics, and juvenile justice to the extent possible;
- transfer all continuing LEAA programs, such as TASC, STING, PSOB, and Regional Intelligence, to the Office of Justice Assistance, Research and Statistics (OJARS), with associated personnel, by March 31, 1982; and
- terminate the LEAA on April 15, 1982, transferring any residual administrative functions and associated staff that may remain beyond March 31, 1982 to OJARS, effective that date.

Sincerely,

William French Smith
Attorney General

[illegible]

Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, DECEMBER 30, 1981

DAG
(202) 633-2028

Deputy Attorney General Edward C. Schmults announced today the Law Enforcement Assistance Administration, a unit of the Department of Justice since 1969, will be terminated on April 15, 1982.

Schmults, who is acting Attorney General during Attorney General William French Smith's holiday absence from Washington, said all remaining LEAA programs will be transferred at that time to LEAA's parent agency, the Office of Justice Assistance, Research and Statistics.

"LEAA has been gradually closing down for some time now," Schmults said. "Neither this administration nor the one preceding it has sought additional funds for it. Many of the grants it has made for improvements in police work, corrections and the courts are moving into termination status.

"While LEAA has not lacked for supporters, the Reagan administration feels that new approaches to bolstering the criminal justice system have to be tried. This in no way reflects on the people of LEAA, who have been both dedicated and innovative in helping the states, counties and cities with their problems."

The total LEAA appropriation from 1969 through 1980 was $7.7 billion. At its peak, in 1978, the agency employed 667 persons. The work force totaled 315 as of December 12, 1981.

# # #

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON HUMAN RESOURCES
ROOM 2178, RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

intent
APP 11-[illegible]

January 11, 1982

Robert F. Diegleman
Acting Director
Office of Justice Assistance,
  Research, and Statistics
U.S. Department of Justice
Washington, DC 20531

Dear Mr. Diegleman:

The Subcommittee is aware that LEAA is being terminated as a separate entity within OJARS and that personnel levels are being reduced. It has been reported that some OJJDP staff may be terminated in order to create vacancies for LEAA employees being "RIFed". While certainly empathetic with the personal concerns of LEAA employees, Congress, through the Juvenile Justice Act Amendments of 1980, recognizes OJJDP as an entity separate and apart from LEAA and would not expect personnel and budget decisions affecting LEAA to have an adverse impact of the performance of OJJDP.

In anticipation of oversight hearings early this session, would you please document for the Subcommittee what bearing, if any, the termination of LEAA will have upon OJJDP? Specifically:

1. How many people are currently employed by OJJDP? How many, if any, of these would be "bumped" to create job vacancies for LEAA employees?

2. If any OJJDP employees are to be terminated, what percentage will be women and minorities?

3. If any LEAA employees are to replace OJJDP employees, what are their qualifications in juvenile justice as compared to the particular employees they are to displace?

4. Will the number of staff positions allotted to OJJDP be reduced in any way as a result of the termination of LEAA?

5. If any OJJDP employees are to be terminated in order to create job positions for LEAA employees, how was that decision arrived at and what is its legal basis?

Thank you for your attention to these questions. Due to the fact that oversight hearings will likely be scheduled in February, we would appreciate a reply within two weeks. We will be in touch as plans for the hearing and its dates become more definite.

Sincerely,

Gordon A Raley

Gordon A. Raley
Staff Director

CAR:slm

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Rec - Hold at desk

January 6, 1982

The Honorable Geraldine Ferraro
Chairwoman
Subcommittee on Human Resources
Committee on Post Office and
Civil Service
House of Representatives
Washington, D.C. 20515

Dear Madam Chairwoman:

This is in further response to your letter to the Attorney General regarding planned reductions in force in the Department of Justice. Assistant Attorney General Kevin Rooney has asked each of the Department's major bureaus to provide you directly with pertinent information.

The Office of Justice Assistance, Research, and Statistics (OJARS) provides coordination and staff support services to the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Law Enforcement Assistance Administration (LEAA). As a matter of convenience, these five units are referred to as the JSIA agencies, inasmuch as they are administratively linked by the Justice System Improvement Act of 1979. These five units also comprise a single competitive Area for Reduction in Force purposes (DOJ Order 1351.1B).

On October 2, 1981, the OJARS Acting Director notified all JSIA employees of the likelihood of a RIF "sometime within the next six months because of a shortage of funds for salaries and expenses." He informed all personnel that "a general notice to RIF probably will have to be issued in December or January." The general notice was subsequently issued to all JSIA employees on December 3, 1981 (copy attached).

It is expected that approximately 70 positions will be abolished, primarily within LEAA and OJARS. However, because the JSIA units are all within the affected Competitive Area, the exercise of "bumping" and "retreat" rights by LEAA and OJARS personnel will cause some dislocation in OJJDP, NIJ and BJS. The JSIA Retention Register is currently under review by officials of AFSCME-Local 2030, the employees bargaining unit, and final decisions have not yet been made regarding the specific positions to be abolished. Those decisions are expected to occur and specific notices of RIF will be issued before the end of January, to be effective no later than March 31, 1982.

The RIF action was necessitated by budget revisions initiated by the previous Administration in March of 1979 and adopted by Congress, which provided no FY 1980 program appropriation for LEAA. Similarly, no funds were appropriated for fiscal years 1981 or 1982. Despite the absence of appropriations in those years, however, the nature of LEAA's block grant program is such that hundreds of millions of dollars in unexpended funds from prior years were still moving through the state/local "pipeline." Thus, it has been necessary to maintain an LEAA presence to monitor the expenditure of these funds and close out grant files as projects reached the end of the funding periods. The Attorney General has now determined that these phaseout responsibilities should be assumed by OJARS and that LEAA will be terminated on April 15, 1982. In anticipation of the LEAA phaseout, JSIA units have abstained from hiring any new employees from outside the JSIA agencies for approximately two years. Moreover, "early retirement" authority was obtained from OMB for a brief period in 1980 and an outplacement program was established within JSIA to assist employees in efforts to find new employment.

There are currently no Schedule C employees within the JSIA units and only one SES level position each in LEAA and OJARS, where the RIF will be focused. It is anticipated that one of the two SES positions will be transferred elsewhere within the Department of Justice. Decisions regarding the separation of temporary or probationary employees have not yet been made by the heads of the JSIA units.

The determination of which positions to abolish by RIF will be dictated by three factors (1) the DOJ's decision to terminate LEAA on April 15; (2) the identification of those JSIA functions critical to compliance with the statutory mandates of the legislation governing the JSIA units; and (3) identification of those functions essential to accountability for the LEAA funds still in the state/local pipeline.

We will attempt to keep you informed of developments as the RIF procedures are implemented in the JSIA units.

Sincerely,

Stephen T. Boyle
Director
Office of Congressional Liaison

Enclosure

STBoyle/cmd 1/6/82
Records
Chron
STB ✓
cc: Administration

U.S. Department of Justice

Office of Justice Assistance, Research,
and Statistics

Washington, D.C. 20531

January 18, 1982

Gordon A. Raley
Staff Director
Subcommittee on Human Resources
2178 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Raley:

This is in response to your inquiry regarding the planned reduction in force within the Justice System Improvement Act agencies.

There are no plans to terminate OJJDP staff "in order to create vacancies for LEAA employees" whose positions will be eliminated by RIF. The reductions will focus on personnel in LEAA and OJARS. As you know, OJJDP is administratively and operationally linked to the other JSIA agencies - OJARS, LEAA, NIJ and BJS. Moreover, these five units comprise a single Competitive Area for Reduction in Force purposes by DOJ Order 1351.1B, dated June 16, 1981.

On October 2, 1981, the OJARS Acting Director notified all JSIA employees, including OJJDP staff, of the likelihood of a RIF "sometime within the next six months because of a shortage of funds for salaries and expenses." He informed all personnel that a "general notice of RIF probably will have to be issued in December or January." The general notice was subsequently issued to all JSIA employees on December 3, 1981.

Approximately 60 positions will be abolished in LEAA and OJARS. However, because the JSIA units are all within the affected Competitive Area, the exercise of "bumping" and "retreat" rights by LEAA and OJARS personnel will cause some dislocation in OJJDP, NIJ and BJS. We do not expect this process to adversely affect the juvenile justice program or the continuing activities of the other JSIA units. Until final decisions are made regarding the specific positions to be abolished and the individual employees elect to exercise or relinquish their bumping or retreat rights as provided under Office of Personnel Management regulations, it will not be possible to predict in every instance the effect on OJJDP staff members. However, in those instances where an OJJDP employee is displaced, it will only be by an LEAA or OJARS employee with greater seniority and with appropriate qualifications to perform the tasks required.

To the extent possible, given the restraints imposed by the circumstances described above, the responses to your specific questions are as follows:

1. As of January 2, 1981, OJJDP employed 60 full time permanent and six part time or temporary employees. Of these, approximately 12 will be displaced through the exercise of bumping or retreat rights. However, some or all of these 12 may have similar rights and therefore may not all be terminated from Federal employment.

2. Until individual bumping and retreat rights have been exercised, it is not possible to determine the precise effects of the RIF on the basis of gender or minority status. Initial projections suggest, however, that approximately half of those displaced will be women.

3. In order for an LEAA employee to replace an OJJDP employee, the former must posess qualifications similar to the latter, as prescribed in OPM regulations. As you may know, a significant number of current OJJDP staff members were recruited from LEAA program offices.

4. No, the number of staff positions allotted to OJJDP will not be reduced.

5. OJJDP employees will not "be terminated in order to create job positions for LEAA employees." OJJDP employees may be terminated if, in accordance with OPM regulations and such pertinent statutes as the Veterans' Preference Act, an LEAA employee whose position is abolished has retention rights superior to those of the OJJDP employee.

Please let me know if further information would be helpful.

Sincerely,

Stephen T. Boyle
Director
Office of Congressional Liaison

Memorandum

FEB 22 1982

Subject

Bump/Retreat Notice Objection

Date

February 4, 1982

To

Robert F. Diegelman
Acting Director, OJARS

From

Charles A. Lauer
Acting Administrator, OJJDP

This is in response to a February 3, 1982, memorandum I received from H. F. Sylvester regarding proposed action to have John Lewis bump to the position encumbered by Doyle Wood. This memorandum offers my objections to this proposed action.

The Position Description for Juvenile Justice Program Specialist, Compliance Monitoring Specialist GS-103-13 specifies that the incumbent is regarded as the technical expert in monitoring for compliance with legislative requirements of the JJDP Act which encompasses a variety of juvenile-oriented areas. Particular emphasis is placed on personal technical assistance which the incumbent must provide. The nature of the position is technical and the incumbent is responsible for determining 51 Territories' and States' eligibility for continued participation in the formula grant program on an annual basis and prior to the next fiscal year award. This next year is the critical fifth year for many of the States and compliance issues will be a paramount concern for OJJDP. Mr. Wood devised the OJJDP monitoring system, included policy, guidelines and operating procedures, for both the Office and the States in 1977 and has singularly refined it. Mr. Wood's knowledge and explicit understanding of compliance issues which can only be gained through years of substantive work in this specific area is the key to the Office's capability to assist States in their efforts to achieve compliance, monitoring for compliance, and clearly understand the intricate issues and problems faced by the States as well as the Office.

The incumbent is recognized as OJJDP's leading expert in monitoring compliance and achieving compliance with DSO and jail removal and in assisting States in achieving technical and substantive compliance. The timeframe which States are facing to achieve compliance dictates that the effective work which only Mr. Wood can perform must be continued with no interruption. Failure to continue such activity would essentially result in the states inability to achieve, monitor and maintain compliance with the legislative requirements of Section 223(a)(12) Deinstitutionalization; (13) Separation; (14) Jail Removal; and (15) Monitoring. These four legislative provisions are complicated and the ability to adequately review the extent of State compliance with each is compounded by the fact that each State report must be critiqued and analyzed in relation to varying State legislation, executive and administrative policies, judicial structures and policies, and a variety of different juvenile facilities holding diverse groups of juveniles and adults (in some cases). The incumbent understands the different factors and applies such in the effort to determine compliance and to assist States in achieving the legislative requirements. OJJDP is now in the 1982 plan review cycle. Awards will be made in the next three months. (See my apportionment request). It would be as serious a disruption as could affect this Office to attempt to have this job performed by a non-experienced employee.

Both the States' and this Office's success in achieving the DSC reduction of 82% from 1975 and a 32% reduction in Separation data just in 1979-80 can be partially attributed to Mr. Wood's knowledge and the operational guidelines and policies which he developed, and his ability to personally provide on-site assistance, in-house and outside training, as well as his unique understanding and application of the JJDP legislation and legislative history.

Mr. Wood's continued attention to the issues and problems facing approximately 500,000 juveniles who are placed in adult jails and lock-ups and his pursuit of data and action on this issue has annually helped the Department in deciding to seek the jail removal amendment in 1979. This began the process leading the States to discontinue the practice of placing juveniles in adult jails. The coming year is critical to States in implementing, understanding, and applying the policies which resulted in the 1980 jail removal requirement which has five years to run. Mr. Wood's experience and knowledge is crucial for OJJDP to fulfill our stewardship responsibility in assisting States to plan, monitor and achieve removal within the specialized timeframe.

The incumbent is responsible for the technical analysis and assessment of the monitoring component of each State plan (See Attachment A) and a continual update of nationwide status (See Attachment B). But more importantly, the incumbent must review and assess each participating State's annual compliance monitoring report and to determine the level of compliance made by each to identify deficiencies and to determine each State's continued eligibility to participate in the program. This effort is critical to OJJDP and must be effectively and competently completed. The experience which Mr. Wood possesses in doing this responsibility can only be gained through doing this since the passage of the JJDP Act and there is no shortcut training which can arm another individual to satisfactorily complete this task. Mr. Wood has seven years of direct juvenile experience at the State level and four year performing this exact function.

In summary, Mr. Wood's capability and knowledge has resulted in assignments of tasks and responsibility which can not be undertaken without several years of direct experience and work in the specific area. As I have previously discussed, some juvenile justice positions have more of a potential for serious disruption than others. The job sheet of Mr. Wood's differs from other Juvenile Justice job sheets and is attached as Attachment C. After reviewing the document describing the qualifications of John Lewis, I am opposed to Mr. Lewis' bump to Mr. Wood's position on the basis that such action would be seriously disruptive to OJJDP.

Attachments

cc: H. F. Sylvester

I disapprove the appeal.
I am willing to continue Mr. Wood
as a temporary appointment NTE 12/31/1

Robert F. Diegelman 2/5/82

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON HUMAN RESOURCES
ROOM 2178, RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

March 23, 1982

Honorable William French Smith
The Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

As you are probably aware, the Subcommittee on Human Resources is holding an oversight hearing on the Office of Juvenile Justice and Delinquency Prevention (OJJDP) on March 31, 1982. Certainly, a major topic of discussion at that hearing will be the impact that the Department's Reduction-In-Force (RIF) procedures, resulting from the early termination of the Law Enforcement Assistance Administration (LEAA), will have on the ability of OJJDP to continue to successfully carry out legislative mandates.

We have been informed that fifteen (15) OJJDP employees (25 percent of the work force) will be "RIFed" on March 26 to make places for LEAA employees with more seniority and that by September as much as 90 percent of the current staff might be displaced. This level of turnover plus the fact, as we understand, that the LEAA employees are not being required to have previous juvenile justice experience does fairly raise the question of whether OJJDP activity will be severely disrupted.

Hopefully, one outcome of our discussion at the March 31 hearing might be to arrive at some mutually agreeable ways to mitigate the impact of the termination of LEAA upon OJJDP. With this in mind, we believe it would be in the best interest of the Office and the implementation of the Juvenile Justice Act to postpone the scheduled March 26 RIFs of OJJDP personnel until some more appropriate period after the March 31 hearing. We would appreciate your assistance in this regard.

Sincerely,

Ike Andrews
Chairman
Subcommittee on Human Resources

Carl D. Perkins, Chairman
Committee on Education and Labor

IA:grd

U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

March 30, 1982

Honorable Ike Andrews
Chairman, Subcommittee on
Human Resources
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Attorney General has asked that I respond to your March 23, 1982 letter regarding the effects of a reduction-in-force (RIF) in the Justice Systems Improvement Act agencies upon the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The Department of Justice will, of course, cooperate with the Subcommittee on Human Resources in connection with the oversight hearing on the operations of OJJDP, currently scheduled for March 31, 1982. As a suit has recently been filed challenging the RIF involving the Law Enforcement Assistance Administration (LEAA) and OJJDP, it would be inappropriate for the Department to engage in extended discussions of the RIF while the litigation continues. I can, however, assure the Subcommittee that the RIF will have no adverse affect upon the ability of OJJDP to carry out successfully its legislative mandates.

In all, fifteen positions in OJJDP will be effected, nine current employees will be separated, five will be downgraded, and one employee will be carried as a temporary appointment. No positions in OJJDP will be lost, however. In fact, after the RIF, OJJDP will have two more positions than it did before. This contrasts favorably with the situation less than eighteen months ago, when OJJDP had twelve fewer employees to administer its programs.

Furthermore, the replacements for the current OJJDP employees have been carefully screened, and all have been found qualified to perform the work. Indeed, five of the employees to be separated came from LEAA less than eighteen months ago. There was no disruption of OJJDP programs at that time, and we expect none now.

I hope that this information satisfies your concerns and explains why the Justice Department sees no basis for postponing the RIF until after the Subcommittee's March 31 hearing. If I can be of any further assistance to your Subcommittee, please do not hesitate to contact me.

Sincerely,

Edward Schmults
EDWARD C. SCHMULTS
Deputy Attorney General

U.S. Department of Justice

Office of Juvenile Justice and
Delinquency Prevention

Washington, D.C. 20531

APR 19 1982

April 14, 1982

Gordon Raley, Staff Director
U.S. House of Representatives
Subcommittee on Human Resources
2178 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Raley:

The conclusion of the public hearings on the Coordinating Council's Program Plan marks the beginning of a process to adopt a series of recommendations for Council action. We have made significant strides in the past few months but the challenge of operating a Council which can make the Federal delinquency effort more efficient and effective is a goal toward which we still strive.

Enclosed are copies of the minutes of the March 15 meeting and a summary of each person's testimony and written comments. Fifty-three (53) persons testified on the Council's Program Plan and fifteen (15) organizations and state agencies responded in writing. Copies of their testimony, written comments, and/or the transcript of the hearings are available from our office. If you desire copies of any or all of these please contact Mr. Modzeleski (724-7751) of my staff. Unfortunately copies of the transcript, comments and testimony are both very lengthy and few in number, so we may have to make the information available on a loan basis.

The Council support staff is about to begin an analysis of the testimony. The analysis will be used as the basis to present final decisions on the Council's Program Plan. We anticipate discussing the analysis and adopting a program plan at the next Council meeting which is scheduled for May.

If you have any questions regarding the analysis or if you have any agenda items you would like included at the next Council meeting please contact Mr. Modzeleski.

Sincerely,

C A Lauer

Charles A. Lauer
Acting Administrator
Office of Juvenile Justice and
Delinquency Prevention

COORDINATING COUNCIL ON JUVENILE JUSTICE
AND DELINQUENCY PREVENTION

1982 PROGRAM PRIORITIES AND WORK PLAN

Public Hearings

Washington, D.C. March 15, 16, 17, 1982

Denver, Colorado March 22, 23, 1982

SUMMARY OF WRITTEN AND ORAL TESTIMONY

ASSOCIATIONS

Alan Olszewski, Assistant Director of the National Legislative Commission, American Legion, directed his comments toward two areas of juvenile justice that the American Legion views as priorities--the problems of violence and vandalism in schools, and the treatment of violent juvenile offenders who commit serious crimes. The American Legion passed two resolutions: one lends the organization's support to programs directed against violence and vandalism in schools, and the other calls for direct support for OJJDP. He stated that the problems of juvenile delinquency are nationwide, and that therefore, the Federal government has "...a responsibility to provide the necessary funds, technical expertise, coordination, and quick dissemination of results of successful research models or programs to state and local governments." In the area of the violent juvenile offender, he urged the continuation and expansion of such rehabilitation programs as Project New Pride. He called for an expanded role of voluntarism in both prevention and rehabilitation. Mr. Olszewski concluded by presenting materials on The American Legion National Crime Resistance Program.

Dorothy Crawford, First Vice President, Association for Children with Learning Disabilities; Scottsdale, Arizona, explained the ACLD's justification for making schools and delinquency two of the highest priority issues, with an emphasis on research learning disabilities. She presented findings and recommendations in the areas of research, program development, training, and technical assistance, which stemmed from research conducted on learning disabilities. Ms. Crawford urged the Council to focus on: (1) the efficient allocation of resources in researching, planning, implementing, evaluating, and disseminating juvenile justice and delinquency prevention approaches; (2) knowledge sharing; and (3) facilitating state and local government use of Federal resources to meet local youth needs.

Charles Quigley, Chairman, Coalition for Law Related Education; Calabasas, California urged the Council both to select the topic area of schools and delinquency for further research and discussion, and to continue to assess the value of law related education (LRE) as an approach to delinquency control. He defined the objectives of LRE and the Coalition and traced the progress of LRE for the past 15 to 20 years, indicating that the Special Commission on Youth Education for Citizenship of the American Bar Association has identified approximately 500 projects in LRE throughout the country. In 1981-82, total Federal funding for LRE was $2.5 million; that included $1 million each from the Department of Education and OJJDP.

David Braunschneider, Executive Director, International Halfway House Association, stated that IHHA has a membership of 2,000 agencies and individuals directly involved in providing residential services within various treatment disciplines. Confining his remarks to the area of developing viable treatment alternatives, he pointed out that while the proposed strategies recommended for Council action in the Federal Register were indeed viable, nowhere was the alternative of community based residential treatment programs endorsed. IHHA urged that the Council consider the practical, cost effective community based treatment programs as the most important alternatives to institutionalization.

Mildred Wurf, Director, Girls Clubs of America, representing The National Collaboration for Youth; Washington, D.C., requested that the Council underscore the need to focus on prevention, cooperate with the voluntary sector, work to improve the school experience, and make better use of existing resources. She made four points about setting priorities for these activities: (1) that Council efforts be directed toward youth development; (2) that the Council take seriously the challenge of working with youth agencies to help young people at risk; (3) that youth agencies can be invaluable in making school attendance a positive experience; and (4) that the work of the Council include using existing program models and materials, voluntary agency structures, and people familiar with JJDP and work in the field.

Thomas Shannon, Executive Director, National School Boards Association, (NSBA), stated that the laudable expected outcomes from the Council's action in 1982 could more readily be achieved if it reflects the following points: (1) The enormous diversity of schools must be kept in mind when fashioning solutions to the urgent problems of substance abuse, schools, and delinquency; (2) The clearinghouse role of the Federal government and the Council in its delinquency-control efforts is legitimate and indispensible; great care must be taken in gathering, presenting, and disseminating data, (3) It is essential to have direct and personal interchange with school people when designing school-related programs, (4) The agenda should be result-oriented; "schools and delinquency" and "substance abuse" are measurable programs, but "youth development" and "treatment alternatives" are largely theoretical and difficult to evaluate, (5) "Substance abuse" should be selected as the exclusive priority area for Council action in 1982. As chairman, Mr. Shannon pledged the assistance of the Educational Leaders Consortium (ELC), a consortium of the major associations of the public schools, in improving the quality of communication between the Council and the educational community in planning and implementing the Council's 1982 Program Plan relating to elementary and secondary schools.

Ken Hilton, Board Member, National Association of State Boards of Education (NASBE) directed his comments to the problems of substance abuse, while emphasizing that the Council's attention should be focused on all four areas simultaneously. Under a grant from the Distilled Spirits Council of the U.S. (DSCUS), NASBE is presently conducting an intensive program to make key educational leaders at the state level aware of the necessity of developing policies and programs on alcohol education. NASBE offered to share information with the Council on effective programs and strategies and would participate in any Council efforts to improve and coordinate planning funding and evaluating projects. On behalf of NASBE, Mr. Hilton recommended that the Council's major attention be focused on prevention and education efforts.

William J. Murphy, County Executive, Rennsselaer County, New York, represented The National Association of Counties; Washington, D.C. In presenting the recommendations of the National Association of Counties, Mr. Murphy stated that the Council should concentrate on three areas: (1) removing barriers to effective service delivery; (2) facilitating coordination among service providers, programs, strategies, and research efforts; and (3) disseminating information on effective programs and strategies. Mr. Murphy also suggested that after an exhaustive documentation on the state-of-the-art, a single forum should be held to address the service, intergovernmental, and public-private issues. This would also support the goal of viewing the child as a whole person.

Nancy Record, Executive Assistant, National Association of State Alcohol and Drug Abuse Directors, Washington, D.C., described the structure and activities of the State Alcohol and Drug Abuse Authorities, the funding activities of the Alcohol, Drug Abuse, and Mental Health Block Grant, and the prevalence of, and cost statistics on, alcohol and drug abuse problems. In discussing drug and alcohol abuse, Ms. Record spoke of the inappropriateness of model legislation and recommended that the Council: (1) fund a demonstration program for substance-abusing juvenile offenders based on the Treatment Alternatives to Street Crime (TASC) model; (2) lend their expertise and support to the proposed National Commission on Drinking Drivers; (3) keep abreast, through an informal information sharing mechanism, with the activities of the NIDA and NIAAA Advisory Councils and encourage these organizations to disseminate their research findings on delinquency prevention and youth programs; and (4) actively work to coordinate their activites with other Federal-level councils.

Margaret L. Woods, Director, Technical Assistance and Policy Analysis, Office of Social Justice for Young People, National Council on Crime and Delinquency; Hackensack, New Jersey, presented testimony concerning treatment alternatives for juvenile offenders. She outlined procedures for Council agencies to work cooperatively to improve the quality of community-based alternative programs: (1) the Council's working to ensure that state and local governments create alternatives to deal with those youths who are actually in the system; (2) alternative programs must address the real life needs of the juvenile offender; (3) alternative programs must represent real sanctions; (4) all alternatives should work to strengthen the Federal mandate to improve family life; and (5) the continuance of a separate Federal juvenile justice agency that provides on-going Federal research and development. Ms. Woods stressed that in a truly just juvenile justice system, the correctional institutions can no longer be predominantly poor and nonwhite and the preventive and alternative programs predominantly white and middle class.

Michelle Magri, Project Manager for Youth Services for the National Conference of State Legislature; Denver, Colorado, provided the Council with a dual perspective on the issues it faces. NCSL surveyed seven major urban state legislative staffs during February and March,1982 concerning their views of major juvenile-justice issues and examined its own requests for information in 1981. Of 22 information requests, eight were on serious and violent juvenile crime, and four on status offenders. The waiver of juveniles (specifically, waiver age) and schools and delinquency were some of the other issues that generated information requests. The state survey indicated major issues were: (1) more punitive responses such as waiver, valid court order, and increased secure detention; (2) Federal funding levels; (3) treatment programs for serious and violent offenders; (4) substance abuse; (5) deinstitutionalization of status offenders; (6) youth employment; and (7) reorganizing the service delivery system. Commenting on the specific priority areas, Ms. Magri indicated that under treatment alternatives--the organizational and institutional issues are central to the New Federalism, and the removal of barriers to integrated service delivery; is vital under substance abuse--the need for a creative Federal-state-local response is growing; under schools and delinquency--the impact of serious and violent juvenile crime in schools demands a response; and under youth development--youth employment strategies are necessary. She gave three recommendations for the Council to improve its functions: (1) ongoing communication with states is needed to facilitate coordination in juvenile justice; (2) the results of Council activities need to be disseminated to states through forums and innovative techniques, such as teleconferences; and (3) the Council should help states increase their capacity to respond to serious and violent juvenile crime.

Lanny Proffer, General Counsel of the National Conference of State Legislatures, reinforced Ms. Magri's comments. He urged the Council to devote more attention to coordination rather than to descriptions of each agency's programs. He asked the Council to develop a mechanism that would bring together Federal and state officials to overcome the barriers to program fragmentation. He addressed the issue of joint Federal and national interest group information dissemination strategies.

Rodolfo B. Sanchez, National Executive Director, Coalition of Hispanic Mental Health and Human Services Organizations; Washington, D.C., stressed the importance of youth policy development for Hispanic youth and described some of the youth problems exacerbated and more prevalent in Hispanic communities. His remarks were based on consultation with 130 youth-serving agencies that are part of the National Hispanic Youth Institute Network. The comments were aimed on the unmet needs of Hispanic youth, especially those at risk. Mr. Sanchez presented the following methods for developing strategies pertinent to youth development: (1) the inclusion of Hispanic representation in the design of a youth development policy; (2) increasing the knowledge base and information exchange on minority and disadvantaged youth; (3) increasing the supply and distribution of Hispanic social service personnel; and (4) increasing the emphasis on developinghealth promotion programs for youth.

Robbie Callaway, Executive Director, National Youth Work Alliance; Washington, D.C., offered recommendations and comments on each of the four priority areas and on the workings of the Council: (1) focus attention on the interagency coordination of school-based youth/community programs; (2) increase emphasis on those youth earning academic credit and/or income for participating in community and social services; (3) coordinate drug abuse prevention and education programs; (4) develop model state legislation to curb juvenile alcohol abuse; (5) coordinate treatment programs within existing programs for those serious juvenile offenders who abuse alcohol; (6) incorporate successful programs into an overall training package for youth workers; (7) direct resources toward training for project replication; (8) review successful youth development activities to determine what has been successful, why, and how to carry the success over into other areas; (9) become involved in the Sixth Annual National Youth Workers Conference. To improve Council effectiveness, he suggested that Council members possess decision-making authority and that the Council continue to utilize constituency groups to coordinate efforts on a State and local level.

Lynn Gray, Vice President for Education, New York Urban Coalition urged the Council to focus their efforts on schools and prevention. He stated that in most communities the school, is perceived by most people as the most central enduring and stable social institution, second only to the family. Calling attention to the OJJDP-funded School Enhancement Research and Development Project, Mr. Gray asked the Council specially emphasize the concepts and, training programs developed by that project. He proposed the establishment of a National Youth Accord and called on the Federal Coordinating Council to assume leadership both in calling for this accord and in articulating its primary tenents. These tenents involve setting, daily programmatic connections between school and employment for every child as an immediate national priority; becoming a vehicle for bringing the various public and private sectors in the cities, states, and the nation together; focusing the efforts of government, communities, and the public and private sectors the development of young people through leadership, education, and employment; and ensuring the dissemination and utilization of the best available resources.

Richard Pruss, Executive Director, Samaritan Halfway Society; Forest Hills, New York. As president of an organization representing more than 300 drug abuse and prevention treatment agencies, Mr. Pruss urged the Council to implement a recommendation that the entire realm of treatment for young drug abusers be thoroughly explored. He also recommended that Federal authorities give the research data, collected by his organization, its full attention. The most practical strategies for treating of criminal drug abusers can also be the most practical for suppressing crime.

Priscilla R. Rosenwald, Director, Project Pride; Philadelphia, Pennsylvania, presented arguments and data showing that drug abuse/dependence can be prevented through helping young people develop positive attitudes and behaviors toward themselves and others. She recommended the implemention of a prevention approach which includes education and training programs in the public schools and the community. She also emphasized the need for parental involvement and the coordination of existing and planned efforts in the areas of substance-abuse prevention and education.

Miguel Coronado, Teenagers' Betterment Association; Houston, Texas, described the eight-year-old program he directs. He recommended that early special education services be supported to prevent future delinquency, and that prevention programs found to be effective be replicated, expanded, and continued.

STATE GOVERNMENT AGENCIES

Gene Kane, State Office of Manpower Planning and Development, Staff Working Group, Governor's Youth Council; Colorado, addressed the problems of youth unemployment and the special barriers faced by many youth, such as lack of skills, access, poverty, and delinquency records. He supported the premise presented in the issue paper on schools and delinquency that schools are the largest and most influential institutions affecting youth and pointed out that schools tend to operate in a vacuum outside the other youth-serving agencies. Mr. Kane outlined the efforts of Colorado youth agencies to ensure that high-risk youth develop the relevant labor market, academic, and social skills. One key aspect of the Colorado initiatives is developing programs that provide an opportunity to establish a relationship between the individual and the program. This relationship can then be used to enable youths to enter the job market. Programs must be geared to effect transition from school to work. In addressing the problems of coordination and interagency programming, Mr. Kane urged that the Council work as "a catalyst to provide incentives, opportunities, deregulization, and become involved in the negotiations within and between Federal agencies so that their state and local counterparts will be influenced through each agency's contacts and chain of command."

Elizabeth Wilderman, Director of Program Planning and Evaluation; Colorado Division of Youth Services, focused her statements on the area of "Treatment Alternatives" and the issue of the serious and violent juvenile offenders, status offenders, and juveniles in adult jails. The Division of Youth Services believes that violent juvenile offenders who commit serious crimes can be rehabilitated and therefore supports the recommendations made in the Federal Register. In dealing with status offenders and juveniles in adult jails, Ms. Wilderman concurred with the recommendations presented in the February 9 Federal Register, "to enhance reintegration and family services for youth in short-term secure holding, to reduce the mislabeling of youth, and to recognize each youth's needs and the development of mechanisms to meet those needs." Ms. Wilderman recommended a strategy developed in Colorado, aimed at developing criteria, intake, and screening units and providing alternative and family reintegration services. This strategy is equally relevant to removing inappropriate youth--status offenders, and non-offenders--from secure juvenile detention as it is to removing juveniles from adult jails and lockups.

Toni M. Francis, Coordinator, Maryland State Prevention Network Project; Annapolis, Maryland presented testimony in support of youth development and described the network project, which is a two-year effort to bring about a state coordinated approach to delinquency prevention. The premises of the Maryland project are that: (1) ...prevent delinquency, it is necessary to provide for the positive growth and development of children and youth; and (2) positive development can only be brought about through a collaborative and coordinated statewide effort. Ms. Francis presented a model for a statewide youth development project based on the Positive Youth Development (PYD) approach designed by Bill Lofquist of Tuscon, Arizona. She made the following recommendations: (1) that the Council organize the 1982 workplan around a set of theoretical constucts like those of the PYD approach; (2) that the Council address its proper role, limits, and responsibilities as its first priority, and (3) that the Federal government work toward a more balanced system in which preventive programs are given much greater emphasis.

Rex C. Smith, Director, Juvenile Services Administration; Baltimore, Maryland, presented an examination of "the universe within which treatment alternatives may develop and operate," and a history of their development and implementation as it relates to individuals and categories of youth. He viewed treatment alternatives in terms of deinstitutionalization and presented issues for consideration by the Council in determining its role and strategies for Federal, state, and local intervention. He suggested adding the following recommendations to those listed in the concept paper on treatment alternatives: (1) examine the balance between prosecution and defense in the court; (2) examine plea bargaining in the juvenile court; and (3) examine the criteria for pre- and post-trial youth detention.

Frank Hall, Director, New York State Division for Youth; Albany, New York. Mr. Hall identified appropriate Federal, state, and local government roles regarding juvenile justice and delinquency prevention, and presented illustrative policies, strategies, and programs of the Division for Youth. He stated that local agencies are best suited to set local priorities; a State role ensures the coordination and delivery of services that cut across county or geographic boundaries; and the Federal government must enhance and maximize the development of communication linkages among the 50 states to enable them to share model programs, critical problems, and emerging issues. The Federal government is in the best position to address interstate problems and national priorities, and to develop solutions beyond local or state capacities. In order to maintain the integrity of this tri-lateral partnership, Mr. Hall offered the following recommendations: (1) Federal efforts to maximize effective program delivery and maintain a broad policy direction be continued; (2) the Office of Juvenile Justice and Delinquency Prevention remain separate and distinct; (3) Efforts among Federal, state, local, and private organizations to cooperatively engage in joint public policy and funding programs be continued.

Darlind Davis, Chief, Interagency Prevention Council; Harrisburg, Pennsylvania, recommended that the Council: (1) develop a policy requiring states to coordinate the efforts targeted for children and youth more effectively; (2) develop requirements that stipulate cost-sharing between state agencies and local projects; (3) include schools in all council priorites; (4) strengthen efforts, committ staff, and financial resources to prevention strategies.

Richard Allen, Chief Juvenile Division, Pennsylvania Commission on Crime and Delinquency, presented testimony in support of law related education (LRE) and alternative education programs in the schools. He described a LRE initiative that his office funded jointly with the State Department of Education. The project, Justice Education Teaching Strategies (JETS), is designed for students in kindergarten through sixth grade. He urged the Council to review the JETS curriculum materials because it is an "...effective way to get at delinquency prevention during the time where it can make the biggest difference."

Douglas E. Brandt, Project Director, Pride in Eastside, Educational Improvement Center; Morris Plains, New Jersey, presented data supporting the OJJDP-funded School Enchancement Research and Development Project. Heurged the Council to select the area of schools and delinquency as the primary program priority during the years to come.

Henry Manuelito, Navajo Nation, Window Rock, Arizona and also Chairman of the Arizona Indian Criminal Justice Advisory Council commended the Council on its prompt response and continued work on the issues concerning Native American Youth and emphasized the importance of continuing these efforts.

LOCAL ORGANIZATIONS

Dr. Joseph A. Orr, Assistant Superintendent of Special Instruction, School Board of Palm Beach County, and Chairman of District #9 Mental Health Board, for five counties in southern Florida, stated that school-based delinquency prevention is most crucial to ensure the effectiveness of public schools and the safety and stability of our communities. He urged the Council to support the development and refinement of prevention efforts in the schools, such as the OJJDP School Enhancement Research and Development project, which is economically practical and educationally sound. He noted that this comprehensive program has the support of the school administrators, teachers, students, and communities participating because of the successes they are experiencing. He strongly urged that the training and findings from this national project be made available to other schools.

Dr. Joseph Fitzpatrick, Instructional Supervisor Brandywine School District, Claymont, Delaware, highlighted the problems of school crime, white flight, and alienation in American high schools. He presented data and arguments in support of making schools and delinquency the focal priority for Council action. Citing examples both from educational research, and from his twenty-two years of experience as an educator and teacher trainer, Dr. Fitzpatrick stated that the present organization and management of most school and classroom instruction fail to motivate students and encourage them to learn. Lack of relevant subject matter and, lack of skills and challenges in the classroom result in poor student achievement, motivation, and participation. He called for changes in teacher training and instructional methods that would emphasize team work, cooperation, language fluency, and social skills development. He recommended that the Council examine, and disseminate the data and teacher training programs developed through the OJJDP-funded School Enhancement Research and Development Project, which he cites as a "tremendous model of cooperative effort" that is significantly changing teacher behavior.

Angelo J. Aponte, Chief Administrator, New York City Public Schools; New York, New York, recommended strengthening the criminal justice system and making service centers out of the schools. Some of the services being planned for NYC public schools include complete health care services for youth in all grades, youth employment programs, and mental health services. Mr. Aponte spoke of the failure of the current system, stating that juvenile laws allow a young person to escape meaningful punishment for even the most hideous crime. "The mere presence of secondary symbols of social controls is no longer sufficient to coerce desired behavior, which therefore escalates society's response, if there is a response at all, places intolerable burdens on the primary and formal system, and renders it progressively less capable of carrying out its basic functions." Mr. Aponte also reported on the interim recommendations of an Interagency Task Force on School Safety established by Mayor Koch in September, 1981.

Steven L. Krause, Deputy Executive Director, Office of the Mayor, New York City Youth Board, explained that the New York City Youth Board implements comprehensive planning and allocates funds to communties, specially emphasizing the Afterschool Center program. He told the Council that this is a viable model for other areas in the country. He recommended that the Council recognize (1) the essential need to fund preventive services; (2) that effective services for youth cannot be developed without an intergovernmental partnership; and (3) that the Federal government can and should provide support for innovative and experimental programs to ensure the development of effective programs that localities can duplicate and institutionalize.

Jim Weyand, Principal, Reed Junior High School; Loveland, Colorado, described the educational practices of "teaching for mastery" that can significantly reduce the number of youngsters that fail. Scanning the findings of educational research, Mr. Weyand demonstrated how schools do make a difference in the students' lives. He described available educational practices that can alter "our error filled school systems--to produce self-correcting minimal error education and greater equality of treatment." He recommended the strategies of Benjamin Bloom and Madeleine Hunter of teaching for mastery and a "wellness program based in public schools such as the OJJDP School Enhancement Project which a handful of schools are in the first stages of implementing in seven states." He encouraged expanding these sets of practices and the implementation of such projects in an additional twenty or thirty such sites.

Judge Ned Norris, Papago Tribe; Sells, Arizona and Vice-Chairman, Arizona Indian Criminal Justice Advisory Council, spoke about the unique factors contributing to delinquency on Indian reservations. He urged that the Council continue to attend to the special needs and problems of juveniles living in the reservations and underscored the need for reservations to develop their own school systems. Judge Norris stated that alcohol-related crimes are the most prevalent delinquency problems on the reservations and stressed the need for adequate resources to address these problems.

Jeff Wein, Administrator, Employment and Training Office; Denver, Colorado, with Barbara Colburn from Colorado State University Extension Division, focused on the value of employment and training programs for adolescents. The major concern of his office has been the lack of continuing development on a comprehensive strategy, particularly from the Federal point of view and a lack of focus resulting from budget cutbacks. In describing the relationship between the educational system and the employment and training system, Mr. Wein stated that the opportunities for having an impact on schools arise out of mutual interest and commitment; but if that were missing as an employment and training agency, there would be little he could do to make the schools utilize DOL dollars effectively. Mr. Wein recommended that the Council provide or at least encourage financial incentives for local areas to bring knowledge and experiences from Labor, Juvenile Justice, and Education to bear on youth programs. The need for solid inter-departmental coordination was stressed.

Dr. Donald Steele, Jr., Superintendent of Schools, Seattle School District; Seattle, Washington, spoke on the relationship between public schools and delinquency prevention and the importance of school-based delinquency prevention. He stated that there is substantial consensus among educators regarding the key characteristics of effective schools--schools in which all students master the basic skills and succeed academically and socially. As the recent research of Edmonds, Chase, and others points out, it is not the students' background, but the nature of the school's response to that background, that makes a difference. The characteristics of effective schools include: strong instructional leadership by the building principal, clear focus on instruction, increased time-on-task, frequent monitoring of student progress, and collaborative parent and community involvement. Dr. Steele highlighted the difference between the same practices that make schools more effective and those that help students stay out of trouble. Dr. Steele supported the OJJDP Delinquency Prevention Research and Development Project and its evaluation that is being conducted by the Center for Law and Justice of the University of Washington in Seattle.
As a superintendent, he stressed that the project is being conducted in a manner that will increase the educator's knowledge of how to improve education, family, and school relations; the transition to productive adult roles, and responsible citizenship in the community. He also described the benefits of using student team learning techniques. The most beneficial aspect of the project is that it provides principals and teachers with the necessary "coaching" skills needed to support one another in actively working together to improve educational practices. He stressed that real educational change takes place at the individual building level. The focal point of the Council should be directed toward individual projects that would do a better job. There should also be a leadership commitment to test the projects, to disseminate the information, and to enlist the commitment of others to implement the practices.

1/ In other statements presented by Orr, Fitzpatrick, Gray, Slavin, Bird and Brandt, this same project is also referred to as the OJJDP School Enchancement Project.

INDEPENDENT PROGRAM PROVIDERS

Lee Arbetman, Deputy Director, National Street Law Institute; Washington, D.C., informed the Council about law-related education (LRE); what it is; its scope in the school system, courts, and bar associations; its effectiveness as a delinquency prevention intervention; and the relationship among the Federal programs supporting law-related education. He pointed out the need to both increase the number of professionals providing LRE and develop models to implement local LRE programs.

Ms. Joyce Strom, Executive Director, Act Together, Inc.; Washington, D.C. offered information demonstrating that the goals of Act Together and its demonstration projects are consistent with the goals of the Coordinating Council and are designed to support and complement these goals. Act Together is a national, non-profit corporation serving as an intermediary agency to promote the development of more comprehensive and effective approaches to serving high-risk youth. She presented a chart classifying the thirteen Act Together demonstration projects, funded by OJJDP and DOL, into the four priority areas. Serving as a brokering/technology transfer agent, Act Together, as specified in its agreement with OJJDP, will provide feedback and recommendations on policies, regulations, and practices, etc., that should be modified and/or eliminated because of their inconsistency with the policies of OJJDP. The organization also will bring to the Council's attention the barriers that states and communities have identified and make recommendations for modifing, resolving, or eliminating regulations that hamper cost-effective local service delivery. Her testimony also underscored the increasing problems with serious young offenders and other high-risk youth.

Mary Moorehouse, Vice President Program Development, 70001 Ltd., The Youth Employment Company; Washington, D.C. recommended that the Council consider the two major categories of motivation and transition services within the areas of schools and delinquency, youth development, and treatment alternatives. She stressed the need to include pre-employment and life-skills training in school, correctional facilities, and other reintergration programs to ensure successful transition into both the community and the job market. She provided examples of successful work transition programs and concluded by reasserting the importance of employment and training in solving delinquency problems.

Tommie Lee Jones, Executive Director, Youth In Action; Chester, Pennsylvania, described the origins, workings, and successes of Youth In Action, a grassroots community program. She stated that juvenile delinquency is a symptom that is not isolated from the lifestyles of the individual youths involved. Youth need to receive a more positive message from society, and programs in the communities that are staffed by people the youth know and trust to fulfill this roll. Funding should be redirected to those non-traditional, non-public, and non-political agencies to "get a bigger bang for your dollar." Ms. Jones also presented the following recommendations: (1) provide youth representation in the decision-making processes; (2) use ideas from youth who have "been there," (3) offer young people a choice between traditional and alternative school settings; (4) expose youth to opportunties to develop leadership qualities and skills; (5) assure greatly increased funding and support for community-based programs; (6) develop linkages and coordination among programs; and (7) review the findings from the conference on Youth Crime and Urban Policy.

Joyce N. Thomas, Director, Children's Hospital National Medical Center/Child Protection Center Special Unit; Washington, D.C., Ms. Thomas, an expert in the field of treatment for adult sex offenders, pointed out that a large proportion of adult sex offenders began their sexual assaulting and molesting behavior during their adolesence. Because delinquency is deeply involved in what is generally perceived as an adult crime, she has devised a program that treats those adolescents who sexually abuse younger children. In addition, she made the following recommendations: (1) develop a strategy that recognizes the strong relationship between failing to master basic, academic skills and subsequent social maladjustment, while at the same time supporting efforts that allow the development of more positive self-concepts for marginal students; and (2) involve the Department of Education in providing data on the educational needs of delinquent youth. Ms. Thomas' testimony also offered an examination and discussion of the recommendations put forth in the Council's issue papers.

Paul Kelly, Director, Family Tree; Wheat Ridge, Colorado operates a runaway house, three youth-based programs and a center for battered women. He stressed the important role played by non-profit community organizations "in filling the gaps that are currently being vacated by many long-standing institutions and departments of social services" by providing services without governmental support. Mr. Kelly urged the Council to develop policy and programs that emphasize the involvement of the family and the need for courts, schools, and other institutions to enforce family responsibilities in correcting delinquent juvenile behavior. Early intervention is needed to address the role and impact of domestic violence on violent juvenile crime. The accessibility of services for youth needs to be improved. He called for substantial youth involvement in decision-making and policy development.

Ann Monroe, Director, Prevention Resource Center Project, A.H. Training and Development Systems, Inc. provided information on two major projects that are managed by this organization, that focus on the areas addressed by the Council: the Region 8 Training Center funded through the Department of Education and the Prevention Resource Center funded by the Illinois State Division of Alcoholism. She presented comments on the Council's priority area and recommendations dealing with schools and substance abuse. Her testimony placed additional emphasis on public-private partnerships at the local level and the need for the Council to focus on effective program management issues. She made the following recommendations: (1) look at the problems of delinquency and substance abuse, not as separate issues, but as related problems that can be addressed through strategies that will accomplish change in both issue areas and improve community linkages building competencies in individuals and in the systems themselves; (2) place a consistent emphasis on encouraging information-sharing, technical assistance, and research dissemination; (3) view youth development as a strategy to address the problem areas of delinquency and substance abuse--not a separate isolated area of effort; and (4) encourage sound program management including planning, administration, evaluation, information-sharing and technical assistance capability to assist programs in developing improved management practices.

Peter Kleinbard, Executive Director, National Commission on Resources for Youth; New York, stated that the commission is a non-profit organization, established in 1967, which fosters programs that help youth make a healthy transition to adulthood by identifying the most effective of hundreds of locally developed programs and assisting others to adopt similiar programs. He urged that the Council focus its attention on youth development because that is the one point of critical agreement among the major groups concerned with youth programs. He called on the Council to exert leadership to ensure the continuation and expansion of successful youth participation programs because young people need to be more active, productive, and responsible and need to participate in their communities and schools from very early ages. He recommended that the Council: (1) articulate across departments a clear, consistent policy that emphasizes on prevention through participation; (2) encourage that the Federal government to make youth participation programs visible by involving young people in government decision making; and (3) incorporate youth participation components into existing guidelines.

Sharon Bryant, Executive Director, Chrysalis Enterprises; Denver, Colorado, described the country's first long-term, residential facility for treating youths who have engaged in prostitution and the unique problems faced by juveniles in this category. The major concerns she voiced were: (1) the inadequacies of the system to hold abusive and neglectful adults accountable for their actions; and (2) the need to place prevention programs in the schools. Gaps in Federal and state service systems for youth victims were underscored. Ms. Bryant urged the Council to address itself to (1) examining existing laws and correcting the loopholes in the service-delivery systems; (2) supporting prevention programs in the schools; and (3) supporting existing programs for runaway youth.

Dr. Janet K. Carsetti, Director, Project READ; Columbia, Maryland commended the Council both for the underlying philosphy stated in the issue papers and for its recommendations that for delinquency prevention to be effective all young people must have the opportunity to engage in positive self-enhancing experiences. Dr. Carsetti presented testimony in support of schools and delinquency as the most important priority area for consideration in the 1982 workplan. She stressed the importance of programs that enhance youths' self-concept, decision-making skills, and opportunities to be challenged and to meet these challenges successfully. She stated that "...the development and continuation of alternative schools is essential." In the area of substance abuse, Dr. Carsetti called for continuation and replication of effective programs. In the areas of treatment alternatives, Dr. Carsetti stated that juveniles are better served in alternative open-setting programs than in closed institutions. She discussed the dangers of mislabeling and recommended that: (1) schools and delinquency be the Council's primary focus; (2) youth development issues and recommendations be folded into the area of schools; and (3) substance abuse be treated as the second priority requiring special consideration.

RESEARCH INSTITUTIONS AND SPECIALISTS

Dr. Robert Slavin, Research Scientist, Center for the Social Organization of Schools, Johns Hopkins University; Baltimore, Maryland, provided data supporting the Council's emphasis on delinquency prevention and emphasized... "that schools are the only agencies that can prevent delinquency on a mass scale." Summarizing data that establishes the link between school problems and delinquency, Dr. Slavin stated that the organization of secondary schools fosters impersonality, alienation, failure and lack of autonomy and thus contributes to delinquency. He stated that the Council could help to bring about change in school problems related to delinquency in the following ways. (1) Encourage broadened use of student team-learning, instructional methods, in which students work in structured, cooperative, heterogeneous, four-member teams. These methods produce significantly higher student achievement scores, improved race relations, self-esteem, liking of school, good attendance, and (2) As a long-term strategy, the Federal government (through the Council) ..."should undertake a sustained effort to find out how to organize urban junior high schools through the rigorous evaluation of a wide range of alternatives focusing on effective methods that deal with the problems of impersonality, failure, and lack of autonomy." This search for effective alternatives should be directed at particular components rather than at whole programs that are so complex that when they work, it is difficult to identify the precise cause. Dr. Slavin proposed specific kinds of research that would address answers to the three major problems of alienation, failure and lack of autonomy.

Tom Bird, Center for Action Research, presented data underscoring the importance of focusing the efforts of the Council on schools and delinquency. Research data highlighted the impact that "the internal life of schools" has on student achievement and troublesome behavior. Present conditions provide an excellent opportunity for establishing collaborative programs with schools directed at increasing learning, attendance, and favorable peer influence, and reducing violence, vandalism, and disruption. He recommended specific strategies to secure the cooperation, focus and leverage of the various Federal agencies, educational groups, and states to support schools in recognizing delinquency prevention as one of their major public responsibilities. Mr. Bird suggested the Council could make significant gains by concentrating on key organizations--schools and courts--critical program characteristics, and the critical issues of managing change effectively. He outlined the following strategies for improving the effectiveness of the Council: (1) use all devices in the law to engage agencies other than OJJDP in the Council; (2) design opportunities to guarantee more substantial interaction throughout the year; (3) define the role of the Council as that of a catalyst for, and manager of, a larger cross-departmental organization capable of effecting the significant changes prescribed in the Federal Register recommendations; (4) make the Council a "cross-agency organization." (This will require member agencies to develop a common theoretical and programmatic platform that is inclusive of shared goals, perspectives and strategies.); (5) cultivate cross-agency involvement through such strategies as training seminars, more frequent focused meetings, and participatory management ideas; (6) involve state counterparts in a research and development project, based in the schools, which invites locally-developed options; (7) use state or Federal assistance to help employ the best methods and to ascertain through evaluation what works.

Dr. Robert Hunter, Director, Center for Action Research; Boulder, Colorado, offered arguments in support of the concepts of youth development as having the potential to resolve confusing issues across areas dealing with juvenile delinquency. The strength of the youth development strategy is that it emphasizes social institutional change, which goes to the core of solving the social problems of delinquency control and prevention. This strategy focuses on the realignment of existing resources and provides a cost-effective model for policy development. Dr. Hunter pointed to the challenge before the Council to convince the educational community to acknowledge that "main line good education is delinquency prevention", and to adopt a common nomenclature, i.e., youth development, for use in legislative mandates.

Mary Jane Turner, Staff Associate, Social Science Education Consortium, Inc.; Boulder, Colorado, addressed the process of schooling and its influence in "affecting and diminishing delinquent behavior in young people." Key strategies supported included increasing the linkages between school and community organizations, and developing processes to allow students undergoing academic failure to have positive learning experiences. The findings from the consortium's two-year evaluation of law-related education programs indicate that school-based programs can improve students' behavior. The Consortium recommended that the Council assign high priority to the area of schools and delinquency, and that law-related education be considered a primary vehicle for bringing about positive change. Ms. Turner stressed the importance of establishing strong, structured linkages with the community to ensure that LRE programs are effective. Generally, she urged the Council to be responsive to the needs expressed by local and regional practitioners and to organize efforts to institutionalize law-related education.

Ernst Wenk, President, International Dialogue Press; Davis, California, cited youth development as the Council's major priority area. Youth development could provide a background upon which theoretical and policy framework is developed for most efforts undertaken in juvenile justice. Dr. Wenk described the five levels of a theoretical and practical construct, which allow assessment of required improvements in program development, as well as a structured overview of the complex problems of the juvenile delinquency phenomenon. He recommended that the Council work toward preparing a National Youth Policy for International Youth Year (1985). Dr. Wenk also presented some ideas for a comprehensive Research and Action Policy in juvenile justice and for the design of scientific research programs. Some of his other recommendations dealt with a research focus (especially longitudinal studies), model building, and information dissemination.

Barbara Colburn, Colorado State University Extension Division, presented information on the Youth Incentive Entitlement Pilot Project whose premise was to determine whether economically disadvantaged youth would return to school and stay there if they were guaranteed a job. This program which enrolled some 1,000 youth, has been discontinued because of funding cutbacks; however an adaptation of the design presently serves 40 youth. Ms. Colburn attributed the success of the Project to the strong interest shown by the youth involved when they were given the opportunity to have a job and subsequently demonstrated a desire to attend school regularly. Based on the Denver finding, employment served as a strong incentive for dropout youngsters to return and complete high school.

Lynda Zimmerman, Executive Director, Creative Arts Team (CAT), New York University, described a special program, designed by CAT and funded by the New York City Youth Board, which aims at developing conflict-resolution skills in high-risk youth through participatory drama workshops and special performances. She stressed the need for educators and other agencies working with schools to provide more than cognitive instruction and to use alternative approaches to redirect negative acting-out behavior in delinquent and violent youth. She stated that traditionally "...schools have not dealt with adolescent concerns such as: fear, anxiety, loneliness, love, self-doubt, and alienation." The failure to address these concerns has forced the schools to deal with the end product--delinquency and substance abuse.

Frederick P. Nader, President, Birchhaven Enterprises, Inc.; Greenland, New Hampshire, testified on the still unmet need for developing a strong Federal policy with respect to juvenile justice and delinquency prevention. Mr. Nader recommended clustering the issues into two groups: (1) youth development, including schools and delinquency; and (2) treatment alternatives, including substance abuse. This grouping facilitates work in delinquency prevention and offender rehabilitation. Other issues the Council should consider are: (1) the promotion of pro-social behavior; (2) the issue of targeting; (3) the integration of youth services by state and local agencies and legislatures; and (4) the implementation of model projects. Mr. Nader stated that the Council should concentrate first on policy development and dissemination before turning to state and local assistance.

Meeting of the Coordinating Council on Juvenile Justice
and Delinquency Prevention
March 15, 1982

MINUTES

The first meeting of calendar 1982 for the Coordinating Council on Juvenile Justice and Delinquency Prevention was called to order at 9:10 A.M., Monday, March 15, 1982 by Charles Lauer, Acting Adminstrator, Office of Juvenile Justice and Delinquency Prevention and Vice Chair of the Council. The meeting was conducted in the Hubert H. Humphrey Auditorium, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C.

The minutes of the December 16, 1981 meeting were accepted with an amendment proposed by Robert Walling, Office of Special Education and Rehabilitation Services, and accepted by the Council to note that the Department of Education had co-sponsored the motion to hold public hearings regarding the Council's program plan.

1982 Coordinating Council Program Plan Activities

Mr. Lauer reported on the activities to conduct public hearings on the program plan. He summarized the procedures to be followed and briefly described the activities to be undertaken to develop an analysis of the public hearing testimony by Council staff. He explained the current plan is to conduct a meeting in May to reach final agreement on the plan. In response to a question, he indicated the May meeting would be a regular quarterly meeting.

Status of Program and Budget Changes for Delinquency Related Programs

Mr. Lauer called the attention of Council members to the handout concerning program and budget changes. Mr. Warren Master of the Administration on Children, Youth and Families, indicated the figures for ACYF fiscal 1983 programs were not quite correct. He indicated he would provide correct figures to the Council.

Report on Native American Youth

Mr. Lauer reviewed past Council activities and OJJDP activities concerning the detention of Native American Youth. He described the efforts since the December 16 meeting, specifically the agreement between OJJDP and the Bureau of Indian Affairs to collect data regarding the number of tribes, populations, criminal justice systems, and social services structures on reservations.

Mr. Master introduced David Lester, Commissioner of the Department of Health and Human Services' Administration on Native Americans, who was attending the meeting as an observer. Mr. Master briefly described the Intra-departmental Council on Indian Affairs. Mr. Lauer invited Mr. Lester to sit on the Council's subcommittee on Native American Youth.

Mr. Lauer asked Ms. Melvena Sherard of the Council staff to present her findings of the Phase I data collection efforts.

Ms. Sherard outlined the highlights of the data collection efforts as follows:

- Demography - There are 681,000 Native Americans on the reservations, 2/3 of all Indians BIA estimates as the population in the United States. One limitation of the data that may inhibit further efforts is that BIA breaks out the youth population category as being under 16, while OJJDP defines a juvenile as being under 18.
- Government - The Indian Reorganization Act of 1934 provides the structure that most of the tribes use to govern themselves.
- Law Enforcement and Judical Services - P.L. 83-280 and the Major Crimes Act are the two major pieces of Federal legislation, although there are others, that define the criminal justice system on reservations. There are three types of court systems:
    - Code of Federal Regulation Courts - These 30 courts draw their criminal codes from the CFR.
    - Tribal Courts - These 87 courts have their authority based in tribal constitution and/or tribal law and order codes.
    - Traditional Courts - These are 10 courts which operate in accordance with unwritten tribal customs and mores.

It was moved and seconded that the Phase I report be accepted by the Council and that the Council proceed to Phase II as described in the handout presented to the members. Mr. John Minor, of the Bureau of Prisons, stated that the Phase I report should be regarded as a working document, not for general dissemination. He said the document contains much good information that needed to be assembled. The motion was adopted.

Discussion of OJJDP-Advisory Commission on Intergovernmenal Relations (ACIR) Roundtables

Mr. Lauer introduced Ms. Jane Roberts, State/local Relations Specialist, with ACIR to describe the proposed interagency agreement to conduct roundtables regarding the impact of the Federal financial and techincal assistance system on youth programs. Ms. Roberts noted that ACIR was created by Congress in 1959 to advise the Congress and the President on methods to improve the Federal system. One major focus of ACIR's efforts has been the impact of the Federal aid system upon state and local governments.

In 1981, ACIR conducted roundtables on the general impact of the Federal assistance system. The objectives of those roundtables were:

1. Explore issues, problems, and alternatives for Federal assistance policies;
2. Provide access for the major recipient groups to the Federal aid policy process; and
3. Obtain comments from those recipients on Federal aid policy and processes.

ACIR sees the juvenile justice roundtables as a logical second phase of the roundtable structure. The effort is consistent with the Regan Administration's objectives of sorting out roles and responsiblity, improving communication among various levels of government and providing regulatory relief.

The proposed effort will be a 13-month effort including two regional meetings, one in the eastern United States and one in the western United States. A final report will be issued in February, 1983. The first roundtable is tentatively scheduled for the third week of June with the second in September. A broad range of participants will be invited to each roundtable. Among the persons to be involved will be: ACIR members, Coordinating Council members, budgetary personnel, juvenile justice and other social service program personnel and other state and local elected and appointed officials. Ms. Roberts asked Council members to make any suggestions they might have regarding the scope of the roundtables within the next four to six weeks.

Robert Radford, Acting Director of the Youth Development Bureau, described a cooperative agreement YDB has with the National Conference of State Legislatures (NCSL) to expand the information base state legislators have about youth services. Among the activities to be conducted under the agreement is a forum on youth issues. Mr. Lauer indicated that OJJDP has been discussing potential strategies that could be pursued between NCSL and OJJDP. Specifically, OJJDP may want to become involved in the forum.

Regarding the OJJDP-ACIR agreement, Mr. Lauer noted the importance of the Council's involvement because of the delinquency related programs contained in the Fifth Analysis and Evaluation. The goal of the roundtables is to make the intergovernmental system work. He stated that the number of issues must be held to five or six. Ms. Roberts noted the agenda will be kept open until the end of May. She asked Council members to submit suggestions for persons to participate.

Closing Concerns

The May meeting will consider the program plan and the results of five days of hearings. Mr. Lauer stated he expects the plan to adopted will be a 1982-84 plan.

There being no further business, the Council meeting recessed to the public hearings at 9:55 A.M.

QUARTERLY MEETING OF THE
COORDINATING COUNCIL ON
JUVENILE JUSTICE AND DELINQUENCY PREVENTION

List of Attendees

March 15, 1982

Agency/Address	Name/Title	Phone No.
Office of Juvenile Justice and Delinquency Prevention 633 Indiana Avenue, N.W. Washington, D.C. 20531	Charles A. Lauer, Acting Administrator	724-7751
National Institute For Juvenile Justice and Delinquency Prevention 633 Indiana Avenue, N.W. Washington, D.C. 20531	Dr. James Howell, Acting Director	724-6705
Law Enforcement Assistance Administration 633 Indiana Avenue, N.W. Washington, D.C. 20531	Donald Anderson	724-5947
National Institute of Justice 633 Indiana Avenue, N.W. Washington, D.C. 20531	Walter R. Burkhart, Assistant Director, Office of Research Programs	724-2965
Bureau of Prisons 320 1st Street, N.W. Washington, D.C.	John A. Minor, Administrator Community Programs and Correctional Standards	724-3171
Department of Health and Human Services Office of the Secretary 200 Independence Avenue, S.W. Washington, D.C. 20201	Clarence Hodges, Commissioner, ACYF	755-7762
Administration on Children, Youth and Families Department of Health and Human Services 200 Independence Avenue, N.W. Washington, D.C. 20201	Warren Master, Deputy Commissioner	755-7762
Youth Development Bureau	Robert Radford, Acting Director	755-8078
Department of Education	Gilbert Chavez, Special Assistant, Deputy Undersecretary For Intergovernmental Affairs	245-7094

Agency/Address	Name/Title	Phone No.
Office of Special Education and Rehabilitation Serivces 330 C Street, S.W. Room 3006 Washington, D.C. 20202	Robert Heneson Walling, Acting Executive Secretary For External Affairs	245-0177
Department of Labor		
Bureau of Indian Affairs 18th and C Street, N.W. Washington, D.C. 20240	Joseph Holmes, Assistant Chief, Division of Social Services	343-2111
Department of Housing and Urban Development Office of the Secretary 451 7th Street, S.W. Washington, D.C. 20410	Terri Shonerd, Staff Assistant	755-6685
White House Office of Drug Policy Old Executive Office Building 17th and Pennsylvania Avenue, N.W. Washington, D.C. 20500	Daniel Leonard	456-7090
ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525	Gail Krane Domestic Operations	245-3551

Prepared Statement of Gary D. Gottfredson, Ph. D., Director, Program in Delinquency and School Environments, Center for Social Organization of Schools, The Johns Hopkins University

Mr. Chairman, members of the Subcommittee, I am Gary Gottfredson, a psychologist and Director of the Program in Delinquency and School Environments at the Johns Hopkins University Center for Social Organization of Schools.* I am pleased to have the opportunity to comment on some recent events in the Office of Juvenile Justice and Delinquency Prevention that could cause irreparable harm to the conduct of Federal initiatives in the delinquency prevention area. These events involve the decision to treat all of OJARS as a single competitive area in the context of a major reduction in force within OJARS, with the important consequence that a sizable number of OJJDP program staff will be replaced by workers from another agency. This replacement, if carried out as apparently now planned, will have harmful short-term and long-term consequences.

The Short-Term Consequences

For the past year and a half I have been the Project Director of the national evaluation of OJJDP's initiative in delinquency prevention through alternative education. Our project, sponsored primarily by the National Institute for Juvenile Justice and Delinquency Prevention, has just issued its first interim report on that Special Emphasis Program. One of our conclusions at this point in the evaluation is that the timing of funding decisions is crucial for projects that work with school systems. School-based projects generally involve planning for staffing, staff training, student-participant selection and the like at the end of the school year preceding project implementation. Consequently, we recommended in our report that in the future projects be notified of funding decisions, at the latest, before the end of school terms preceding project implementation.

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*Opinions expressed are my own, and do not represent the position or policy of any agency.

Currently, seventeen action projects which received grants to implement alternative education projects (totaling $10,944,442) are being requested to submit continuation proposals for a third and final project-year. Their continuation applications are due 15 April, and they must be acted upon immediately thereafter if projects are to be notified of continuation awards in time to make arrangements for the orderly continued development and implementation of their projects in the fall.

To illustrate the potential harmful effects of a delay in notification, consider the ambitious and valuable project being conducted in the Charleston, S.C., public schools. Project staff are school system employees, and their contracts for the following school year are typically negotiated in April. Uncertainty about continuation funding would leave most staff without contracts at a time when they must secure positions for the following school year. The most likely outcome is that many staff members would make other commitments and therefore be unavailable in the Fall. This outcome, following two years of developmental and staff training work, would obviously be harmful. It would put the project back in the stage of staff and project development, and undermine the effort to evaluate the project in a more fully developed form. Not only would the services received by Charleston youth be weakened, but knowledge about the effectiveness of the project's approach to delinquency prevention could be lost.

Delay in agency decision making by as much as two or three weeks could have similar consequences for other projects as well. It is not in the best interest of the government or the taxpayers to create conditions that will introduce such delay. Staff changes at this time would almost surely introduce delay.

Long-Term Consequences

In creating the OJJDP (Juvenile Justice and Delinquency Prevention Act of 1974) Congress was acting on its finding that "existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency." OJJDP was created in part to provide the resources, leadership, and coordination required in the delinquency area. A stable, sufficiently staffed organization is required to provide coordination and leadership. The ability of an agency to provide leadership and coordination is dependent upon a store of knowledge about what has been tried in the past, and about what is reasonable to try now. The replacement of OJJDP staff who have been developing this crucial store of knowledge about delinquency prevention with workers from another agency, no matter how skilled or able in their previous mission areas, will undermine the ability of OJJDP to provide coordination and leadership in the delinquency area.

In hearings held by this Subcommittee in June, 1978, stability in the staffing of OJJDP was a matter of great concern. The subcommittee's Majority Counsel, Mr. Causey, noted that turnover was approximately 33 percent in one year. And, as you noted at that time, Mr. Chairman, "If (OJJDP) were in private business . . . the way you are running this program, you would be broke and out of business in 60 days."

OJJDP has made remarkable advances since those 1978 hearings. It has been much more stable, and I am delighted to note that many of the persons shown on the staffing chart that the then Associate Administrator (Mr. Rector) supplied for those hearings are still there. It has been building a staff of delinquency specialists. Furthermore, OJJDP has moved forward with some valuable and productive initiatives since that time--

including the Alternative Education Program, the Delinquency Prevention R&D Program and others.

Currently proposed personnel changes could go a long way towards destroying the progress towards coordination and leadership that OJJDP has made since your 1978 hearings.

Thank you for considering my views. I shall be happy to answer any questions you may have.

PREPARED STATEMENT OF JOHN FLORES, ASSISTANT DIRECTOR, CALIFORNIA CHILD, YOUTH AND FAMILY COALITION

House Subcommittee on Human Resources
Congressman Ike Andrews, Chairman

Oversight Hearing on the Office of Juvenile Justice and Delinquency Prevention

California Child, Youth and Family Coalition is a membership organization of 400 direct youth serving agencies located throughout the State of California. As a state-wide coalition, we are actively involved in juvenile justice policy formation on both the state level and in local jurisdictions. We would like to take this opportunity to communicate to the Subcommittee our experience regarding the role the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has played in California in providing leadership and support to fulfill the goals of the Juvenile Justice and Delinquency Prevention Act (JJDPA).

OJJDP's ROLE IN AFFECTING JJDPA MANDATES

Separation of Juvenile and Adult Offenders

In recent history OJJDP has played an incisive role in assisting California in working towards the goals of the JJDPA. In 1980 OJJDP worked with the California Youth Authority (CYA) to avert a violation of Section 223(a)(13) of the Juvenile Justice Act. Through negotiations the Office helped the CYA develop a plan to ensure the separation of adult and juvenile inmates housed within the CYA. Throughout the negotiations OJJDP showed a sensitivity to both the programmatic difficulties faced by the CYA and the needs of community-based organizations which were counted on to continue to carry out the mandates of the Act. The resulting agreement placed California in substantial compliance with the code section while also preserving innovative aspects of the CYA treatment programs affected by the discussions.

Deinstitutionalization of Status Offenders

California has faced several legislative threats to Juvenile Justice Act Section 223(a)(12), mandating the deinstitutionalization of status offenders. Several separate legislative proposals called for either an unspecified period of lock-up for juveniles who were found to be status offenders, or for a 90 day detention period if it was believed the young person was suffering from alcohol or drug problems. The issue of compliance, or lack of, in relation to the Act was a significant factor in the defeat of these bills in Committee. The California Legislature has consistently looked towards the Act as a guidepost in setting relevant juvenile justice policy and to OJJDP as an interested observor of newly legislated juvenile law.

Removal of Juveniles From Adult Jails

Section 223(a)(14) of the 1980 Amendments of the Juvenile Justice and Delinquency Prevention Act calls for the removal of juveniles from adult jails. This is a particularly important issue for California because it holds over 100,000 juveniles per year in adult jails, over 2,400 of them for more than 24 hours. Inclusion of this Section in the Act has lent added impetus for the examination of this problem in California. A study on this subject, soon to be released, may result in legislation removing many of these young people from the damaging experience of adult jail detention. OJJDP has raised the level of public information on this critical subject through a series of publications, posters, and announcements which have had the effect of removing some juveniles from adult jails in a few individual localities. On the whole, their public education efforts have made the successful introduction of legislation providing for the removal of juveniles from adult jails more feasible.

OJJDP's ROLE IN IMPROVING THE ADMINISTRATION OF JUSTICE

Cost-Effectiveness and Coordination of Activities

OJJDP has been a central force nationally in the recognition of the integral role community-based programs play in the juvenile justice system. Community-based programs not only offer cost-effective alternatives to institutions, but serve to keep both the court and formal justice system from cracking under the strain of excessive referrals and commitments. Both CCYFC and many of our member agencies have at one time received funds from OJJDP. The Office has consistently acted in a responsible manner in ensuring that federal funds were being used efficiently both through its monitoring efforts and through its assistance to grantees. In this way the Office has been able to avoid the excesses which have sometimes plagued other agencies.

Cost-effectiveness and coordination have been important ingredients of OJJDP's support of its grantees and have operated on several levels. On a state basis, the State Advisory Group provided for under Section 223(a)(3) of the Act has played an increasingly responsible role in providing for the coordination of juvenile justice projects while ensuring that the specific needs of the State have been met. Nationally, CCYFC has participated in cluster meetings held by OJJDP staff which has helped eliminate duplication of effort while giving programs a chance to coordinate activities and aid each other in the successful completion of their programs.

Concentration on Serious Juvenile Offenders

It is generally acknowledged that one of the most pressing problems faced by the juvenile justice system today is the challenge presented by the serious juvenile offender. OJJDP has emerged as a leader in the nation's struggle to overcome this problem which is the concern of every citizen in this country. As part of this effort, CCYFC fully supports the training activities proposed by OJJDP to better equip the various segments of the justice system in handling this difficult problem. Through these activities we expect that the system's ability to effectively treat, prevent, and control violent juvenile behavior will be improved in such a way that most effectively utilizes diminishing justice resources.

The 1980 Amendments to the Act, in part, reflected the congressional and public concern over serious and violent juvenile crime. Through the Amendments and OJJDP's action a significant share of formula grant funds will be used to combat this problem. OJJDP's influence in this area is already being felt in California as juvenile justice funds are being targeted on such efforts as gang violence suppression and increasing the capacity of both law enforcement and the community in dealing with serious juvenile crime.

The California Child, Youth and Family Coalition and its member agencies represent an important link to the policymaking process in California regarding the juvenile justice system. It has been our experience that OJJDP has consistently acted professionally, providing leadership for thoughtful consideration of juvenile justice issues. On behalf of our 400 member agencies CCYFC respectfully submits the above comments to be included as part of the Subcommittee's record.

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PREPARED STATEMENT OF THE NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.

The National Board of the Young Women's Christian Association of the U.S.A., in consonance with its established practice of moving to support and protect youth throughout its 100+ years of work, takes this opportunity to comment on the funding policy as proposed by OJJDP for the Fiscal Year 1982 Special Emphasis Programs. It seems important to state at the outset that this response derives from the YWCA's sense of moral and social obligation to question some of the actions that are proposed which, in effect, appear to:

- coincide with what the YWCA views as an alarming national trend toward the reduction of services for youth who need them: in this context the National Board of the YWCA wishes to indicate that its concern--while focused on the needs, potentials and interests of female youth--is to be recognized as embracing all of this country's juveniles without limitations based on gender, racial/ethnic/cultural background, socioeconomic status or other secondary factors;
- move toward the utilization of OJJDP resources to remedy, indeed to substitute for, the losses of resources that derived from the discontinuance--by Congressional action--of the Law Enforcement Assistance Administration;
- contemplate the exclusion or at best reductions of opportunity for participation of National Voluntary Organizations, many of which--along with the National Board of the YWCA--were crucial in the efforts to establish OJJDP originally, and in the decision to vest its operations in the U.S. Department of Justice which--at the time--gave

assurance of its intent to protect the integrity of the youth-oriented structure and to safeguard it against any possible incursions through diversion of its resources or assignment of personnel that was neither trained, experienced, nor knowledgeable about youth work.

The proposed policies seem tinged with potentials for violations of some of those assurances.

Specific instances are cited below:

We agree with OJJDP's intention to continue Special Emphasis projects having a third year commitment for funding, but regard the use of these funds for training State and local Law Enforcement officials as a misuse of these funds, and inconsistent with the purposes for which we have supported the JJDP Act over the past 8 years. The proposed use of Special Emphasis funds for courses and curricula at the Glenco Training Center through interagency agreements with the Treasury Department are grossly inconsistent with the requirements outlined in Sub-Part II, Section 224 (a) (b) (c) (d) and (e) of the Act, both with respect to the statutory provisions and Congressional intent.

From our reading of the Statute, the authority to conduct training is located in NIJJDP, and "twenty-five percentum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section." Each provision of Section 224 (a) clearly places the focus upon community based programs implemented by public and private youth service agencies and organizations. We, therefore, see this as subversion of the JJDP Act, as it is an assumption of LEAA's statutory functions as provided in the now defunct Omnibus Crime Control Act of 1968. Moreover, the proposed diversion of $2 million dollars to police agencies seeks to continue funding programs which

Congress deleted in its budgetary decisions of 1981 when the LEAA programs were voted no funds.

Given the 33 percent reduction in OJJDP's allocation, and the number of effective community based juvenile programs which will close down because of lack of funding, we urge that OJJDP use all of the funds appropriated for Section 224 (a), as required by Statute to support these programs. Law enforcement agencies and district attorneys are indeed the responsibility of State and local governments, and their access to public dollars far exceeds those for youth programs. If Congress had intended that the training of police and prosecutors be continued, it would appear that they would have provided for these purposes at the time the LEAA functions were eliminated.

The National Board of the YWCA wishes to affirm its support for

- continuation of the collection and dissemination of national juvenile court statistics, national data on children in custody, and the development of automated juvenile justice information systems; and
- inclusion of studies of the development of delinquent careers, research on alternative programs for juvenile offenders, and projects focused on prevention of juvenile delinquency.

Reading and rereading the proposed policy leads the National Board of the YWCA to assert that it finds no opportunity for significant participation of Community Based Organizations in any of the proposed plans. The question must be raised also as to whether these plans lock in the research and technical assistance resources with those who now are under grants or contracts or otherwise engaged in OJJDP research and technical assistance efforts. The National Board of the YWCA considers it very important that the research and the technical assistance conducted during the subject period include some other researchers and experts who are concerned with, knowledgeable about, and clearly qualified to study and offer services relative to the prevention and treatment of delinquency among female youth.

The National Board of the YWCA wishes to share its present expectation that the Congress of the United States will continue to demonstrate its cherishing of the nation's greatest treasure--its youth--through passage of legislation that will embrace--

-- youth employment programs, included in proposed Employment and Training Legislation, that are capable of providing vocational and on-the-job training for youth--including serious, violent and chronic juvenile offenders. Such legislation could make available training for the conduct of such programs for the cited segment of the youth target group, thereby relieving OJJDP from diversion of its inadequate resources for the training it now proposes;

-- strengthened programs and services for delinquent and endangered youth through passage of legislation that will provide for continuing OJJDP, eliminating some of its vulnerabilities, and fortifying it in such ways as to render it capable of impacting the "enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources" that result from the high incidence of delinquency in the United States. (Refer P.L. 93-415 as amended through December 8, 1980, page 2).

PREPARED STATEMENT OF KATHLEEN REYERING, PRESIDENT, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 2830

My name is Kathleen Reyering. I am the President of AFSCME Local 2830 which represents the Department of Justice units known collectively as the Justice System Improvement Act agencies. On behalf of the employees I represent, thank you for giving us the opportunity to be heard.

I am here to tell you about the unconscionable treatment our employees have suffered at the hands of the Department of Justice.

I am here to tell you that the Department of Justice is spending $1.2 million to fire us rather than to place us in other available Department positions.

I am going to describe for you the configuration of the agencies we represent. Such necessary descriptions are dry and boring. But do not let that cloud the reality of what we are talking about today. Behind the numbers and the dollars and the policies are the people we represent - men and women who have devoted their careers to the Federal service and who are now caught in the agonizing throes of uncertainty and self-doubt that characterize a reduction in force. These productive employees - heads of households, mothers, fathers, dedicated professionals - are going to lose their jobs at a time when unemployment is higher than most of us can remember. And because of the cold, calculated actions of the Department of Justice, these same people are struggling not only with impending unemployment but also with very real questions about their self-worth.

The tragedy and shame of it is that all this trauma is unnecessary. It could have been avoided. The Department of Justice has the power to prevent it, but it has chosen another course.

Let me tell you who we are. Our bargaining unit includes the Law Enforcement Assistance Administration; the National Institute of Justice; the Bureau of Justice Statistics; the Office of Juvenile Justice and Delinquency Prevention; and the Office of Justice Assistance, Research and Statistics.

For the past year we have been trying to work with the Department of Justice to minimize the effects of a reduction in force on our employees. We have been continually frustrated in our efforts.

Congress has not appropriated funds for the LEAA program for the past couple years. It was obvious that the lack of funding would ultimately result in the firing of a large number of JSIA employees unless a concerted effort was made to place them in other positions in the Justice Department and throughout the government.

In response to this situation, former Attorney General Benjamin R. Civiletti established a Department-wide priority placement program for the JSIA employees in October 1980. It required that Departmental units give first consideration for hiring those of our employees who met the minimum qualification standards for available positions. At the same time, the Office of Management and Budget granted Federal agencies hiring designated JSIA employees certain exemptions from the limited hiring freeze that existed at that time. In short, the Justice Department was working together with our administrators and Local 2830 to find jobs for our employees and avoid a RIF.

Unbelievably, Attorney General William French Smith cancelled the priority placement program in May 1981 when the liklihood of RIF in the JSIA agencies became even more certain. In a memorandum of

May 11, 1981 the Department's Personnel Director, Warren Oser, informed all personnel officers that they were "free to make necessary selections under normal procedures" including outside hires!

This memorandum is at war with the rationale the Department used to explain the priority placement cancellation. The rationale was that budget restrictions throughout the Department would probably lead to RIFs in other agencies and bureaus as well. Consequently, the Department contended it was not fair to provide priority placement for USIA employees while others were similarly threatened.

Local 2830 agreed that it was unfair to favor our employees under those circumstances so we proposed what seemed to be the obvious and equitable solution to the problem. We suggested that the Department of Justice create a Department-wide placement program for all employees threatened by separation. We offered to help the Department of Justice establish and operate a program that would reduce the threat of unemployment, safeguard the Government's investment in our careers, and prevent financial waste that results from severance pay and unemployment compensation.

To the detriment of all concerned, the Department of Justice consistently has refused to establish such a program. Rather than marshalling its resources to help its employees, Justice officials have thwarted our attempts to find relief for our coworkers. Hiding behind questionable interpretations of national consultation rights, the Department has refused to even discuss this issue with our Union representatives.

This attitude is outrageous!

In a memorandum of August 6, 1981, President Reagan instructed Federal agencies to "minimize as much as possible the adverse impact of these reductions on the individuals involved." He further stated that each department "must be aggressive in its attempts to find employment for individuals who are facing the loss of their jobs." His instructions reflect the intent of the Civil Service Reform Act.

How then can the Department of Justice, a senior cabinet-level agency, justify its adamant refusal to respond positively to our requests in light of the President's clear direction?

Local 2830 is a responsible organization. As the documents we provided the Subcommittee staff will attest, we have tried repeatedly to work with the Justice Department for the welfare of those we represent. The Department has rejected every overture. Its total disregard for our employees has forced us into an adversarial posture when our preference is clearly to work together for the common good.

Local 2830 proposed a program modeled after the Department of Defense Priority Placement Program that has been working successfully since 1968. In a report to the Office of Personnel Management dated October 16, 1979, the General Accounting Office cited the Priority Placement Program, including its stopper list, "to be the most effective, efficient, and most sophisticated program in the Federal government." Mr. Larry Kirsch, the Defense Department employee responsible for the operation of the program volunteered to assist Justice in implementing a similar program in the Department. Justice refused to even consider it.

We have not asked the Department of Justice to do any more than that which a sense of decency and fairness requires. We have asked them to carry out their responsibility toward their employees by implementing a placement program whose success is proven.

I do not represent the JSIA management, but I can assure you that they also have been unsuccessful in their efforts to obtain assistance for our employees. In May 1981, our administration asked the Department to establish an outplacement program. The Department did not even respond. In September the JSIA administration reiterated its request. This time the Department answered. It instructed management to stabilize the workforce and draw up retention registers in preparation for the RIF.

Now, too late to be any consolation or genuine help for our coworkers who have already received separation notices, the Department is drafting an "assistance during reduction in force policy." The Department's proposal requires only that the various Justice units give priority placement consideration to separated employees before they fill vacancies from outside the Department. Under this plan, personnel officers retain the freedom to transfer and promote employees internally thus effectively limiting the reinstatement rights of displaced employees.

The Justice Department proposal does not reflect the spirit of the law. AFSCME Local 2830 and the American Federation of Government Employees' locals representing other major bureaus in the Department met last Friday and agreed that the Department must act aggressively to assist displaced employees. The Department's current draft proposal is simply not adequate.

We want a priority placement program with teeth. We want the Department of Justice to follow the lead of the Defense Department and other Federal agencies that are protecting the welfare of employees.

A January 23 Washington Post article said that the Education Department sent RIF notices to 258 employees. The article continued, "... 112 were told they are being laid off. They include 40 clericals who will be offered the chance to fill existing department vacancies, and 72 professionals, some of whom will be offered jobs freed by those taking early retirement.

"Of the rest, 46 will be reassigned...and 100 will be reduced in grade but paid the same salary they now receive.

"...the department...will offer help up to 60 days after termination of employment."

How can the Department of Justice do anything less for its employees? Surely a department of some 52,000 employees can absorb our 50 who will be separated by mid-March. Surely, the Department of Justice can put to better use the $1.2 million in severance pay and unemployement compensation that it [illegible] pay our 50 RIF'ed employees, over half of whom are minority group members. The Department can retrain them for other positions if necessary.

The JSIA employees are helpless without the cooperation of the Department. Our own internal placement office is run by volunteers who must split their time between regularly assigned duties and their outplacement tasks. They are not personnel specialists. Our own personnel office cannot devote itself to outplacement activities because it is grossly understaffed. The majority of the personnel staff is temporary clericals. The few senior professionals are tied up conducting the RIF.

The JSIA agencies cannot give our employees the relief we seek. Only the Department of Justice can.

We are asking the Department to honor its moral obligation to its employees and to undertake a course of action that is economically prudent. The $1.2 million cited earlier does not begin to measure the waste that accompanies a reduction in force. It is impossible to guage the economic loss that results from severely reduced productivity that is endemic in RIF'ed agencies. How can employees work well when their own futures are so uncertain, their coworkers are losing their jobs, and their employer does not care about them?

.And how can we measure the loss in human terms? I am bringing before you the collective fear and anxiety of men and women who have been repeatedly told by the Department of Justice, "We will not help you."

The Department's message to us is even more demeaning than that. It is telling us, "We do not want you." It is devoting its energy to packing us up and shipping us out before our time has come. How else can you describe the motivation of a Department that instructed the JSIA administrators to move up the RIF by six weeks because the Department needs 7,200 square feet of space in our building?

How can I, as President of our Union, respond to the unending question "why" from our employees? How can I tell those who come to me for reassurance that they will be protected, that they will not be put out on the street, that they will be able to support their children? How do I convince my coworkers that the skills and talents they have to offer are valuable when the Department of Justice keeps telling them they are not.

The Department of Justice cancelled the priority placement program for JSIA employees. It reinstated outside hiring knowing with certainty that our employees would be RIF'ed. It refused to meet in good faith with legal employee representatives. It rejected the attempts of the Union and our management to find relief for our employees.

We ask the Congress to assist us in our efforts to prevent the human and economic waste. We want the Department of Justice to do what is right, to give our employees the support to which we are entitled. We want an aggressive priority placement program that is operated by an objective body on whose judgement and fairness we can rely. Maybe then the name "Department of Justice" will not ring so hollow in our ears.

PREPARED STATEMENT OF KEVIN D. ROONEY, ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION, JUSTICE MANAGEMENT DIVISION, U.S. DEPARTMENT OF JUSTICE

Madam Chair and Members of the Subcommittee--

I am pleased to appear before the Subcommittee today to discuss the placement of Law Enforcement Assistance Administration (LEAA) employees, and because I am also concerned about the testimony which has already been presented by two of our employees.

As you know, we are about to conduct a reduction-in-force in LEAA, but before we discuss the placement of affected LEAA employees, it is important to place this particular reduction-in-force in perspective. What we are witnessing today--the termination of the Law Enforcement Assistance Administration, is nothing more or less than the culmination of a process which began over four years ago with the closure of LEAA's Regional Offices on September 30 1977--a process, incidentally, which has been essentially shared by two administrations as well as by the Congress. Our objective during this long period has been to achieve an orderly phasedown. We have sought, albeit without complete success, to avoid any reduction-in-force by those measures which would allow the normal processes of attrition--retirements, voluntary separations, transfers, and so on to operate. And, the record will show, for the most part, this strategy has worked.

On September 30, 1977, when we closed the LEAA Regional Offices, we had a total of 675 full-time permanent employees in LEAA. By October 18, 1980, when we were about to undertake our second formal placement program for LEAA employees (LEAA had been reorganized into five agencies), the number stood at 486. By May 16, 1981, when that program had been completed, the total was down to 338. Today, based on our latest manpower status reports, it has fallen to 314. Thus, by husbanding our resources, coupled with other efforts, we have managed to reduce LEAA's total employment from 676 to 314--a reduction of 362 employees--almost, but not quite enough to avoid reduction-in-force. It appears now that 42 permanent employees will need to be separated.

Although attrition was central to our strategy, we did not rely entirely on it. When the Regional Offices were closed, we offered every individual an opportunity to move with his or her job to Washington, D.C. and we embarked on the first of our placement programs, and it was a vigorous one. One, incidentially, in which the American Federation of State, County and Municipal Employees (AFSCME) Local 2830 was directly involved. Each week representatives of all of our component organizations were required to meet in the Office of the Deputy Attorney General and report on their progress or lack of it in placing LEAA employees in their organizations. In spite of the aggressiveness with which this matter was pursued we were, quite frankly, rather unsuccessful. It was this experience which vividly brought home to us just how difficult it was going to be to place any significant number of these employees in other positions in the Department. All too frequently, we found that it was just not possible to transport their skills and expertise to other functions or other programs. It was this experience which, more than anything else, led us to realize that it was going to be a long, hard, road with no panaceas in sight.

To fully appreciate this difficulty, it is necessary to realize that the primary mission and the core occupation of LEAA is the administration of block and discretionary grants to state and local governments, and the fact that, at best, there is only a limited and distant relationship between this function and those found elsewhere in the Department. Moreover, all of LEAA's positions are in the competitive service in a Department which has some 40% of its jobs in the excepted service. It is all too easy to speak of the Department of Justice as an agency of 52,000 employees without considering its actual compostion and its several discrete missions. As a practical matter, and for our purposes; i.e., the placement of LEAA employees, one must virtually discount entire major segments of the Department. We can begin by subtracting the Federal Bureau of Investigation (FBI) with 18,243 employees in the excepted service, and also 3,803 attorneys and some 400 other intelligence and investigative excepted service personnel. And then we must consider the Department's other major occupations: 2,144 Border Patrol Agents, 1620 Deputy U.S. Marshals, 1728 Immigration Inspectors, 485 Correctional Administrators, 3,922 Correctional Officers, and 3,109 investigators (other than the FBI). This leaves us with 16,281 other employees and if we further subtract our lower graded positions--GS-4 and below, the number falls even further--to 14,520. And, as you will realize, these 14,520 positions are heavily consumed by a variety of other occupations, ranging from secretaries to economists, which are also unrelated to grant management. In fact, about 70% of all of our jobs are located in the field outside the Washington, D.C. area and are therefore not very productive in terms of placement opportunities. Beyond that, all of our law enforcement officer positions have a maximum entry age of 35 plus very demanding physical qualification requirements. When these factors are contrasted against the profile of those either actually to be separated or otherwise affected and whose grades typically are in the GS-13 to 15 range, it becomes readily apparent that placing even a relatively small number of LEAA employees elsewhere in the Department is anything but a simple proposition.

One look at those who are presently scheduled for separation reveals that almost 85% are specialized in some aspect of grant management and 70% are at or above the GS-13 level--this at a time when we are being asked to refocus our staffing away from managerial and support activities toward line-type operations.

In spite of these difficulties and contrary to the representations which you have heard, I would submit that we have not done badly. We have, from October, 1980, to date, managed to place or otherwise assign 125 LEAA employees to positions elsewhere in the Department, and 16 others were able to retire early based on the authority we obtained from the Office of Personnel Management (OPM). As a direct or indirect result of Departmental efforts, then, no less than 141 employees have been saved from reduction-in-force. An additional fifteen professional employees will be offered lower level jobs (for which they qualify) with retained grade and pay; although, we will also have to separate fifteen or twenty temporary employees to permit their retention.

Although we have sought to avoid reduction-in-force, it has been reasonably clear for over four years that the risk of reduction-in-force was always right around the corner, and that we were involved in a phasedown if not a phaseout of the grants programs. Since Fiscal Year 1981, no new funds have been provided for the criminal justice programs authorized by the Justice System Improvement Act (JSIA) and administered by the LEAA--a fact which has hardly been lost on LEAA employees.

In earlier testimony we were roundly condemned for our termination in May of 1981 of the priority placement program for LEAA employees and our refusal to immediately replace it with another--preferably one modeled on the Defense Department's famous "stopper list." However, at that time we were already in a period of substantial uncertainty. We had just been through the government-wide freeze imposed by President Reagan and OMB had issued in March the new lower employment ceilings. We found ourselves with a variety of troubles. Our General Legal Activities account was facing a $3.5 million dollar deficit and we were forced to continue the freeze for six of our seven Legal Divisions; and we found ourselves looking at the very real possibility of reduction-in-force in several organizations besides LEAA. The Community Relations Service (CRS) was 19 over ceiling; the U.S. Trustees was over by 160, the U.S. Marshals Service (USMS) by 389, the Immigration and Naturalization Service (INS) by 229, the Bureau of Prisons (BOP) and Federal Prisons Industries by 160. In August we actually had reduction-in-force notices prepared for CRS and had obtained "early out" retirement authority from OPM for that organization, (as well as for LEAA) but were able at the last moment to stay such action. By October, we were still operating under a continuing resolution with uncertain funding levels and had to impose a new hiring freeze and take other measures. And by November, the long-threatened reduction-in-force in the U.S. Marshals Service seemed to become a reality as notices were issued to some 146 employees nationwide (only to be cancelled in January). I have attached a chronology of some of the principal events relating to LEAA which should prove illuminating with regard to this period of uncertainty. By January 1982, however, our overall situation had become fairly clear. A reduction-in-force in LEAA and the U.S. Trustees organization had become inescapable. The Drug Enforcement Administration (DEA) was in the midst of major reorganization with a possible reduction-in-force in the offing. Consequently, we moved to draft a new Departmentwide placement plan which we hope will be effective and equitable.

Essentially, this plan would restrict our organizations from filling vacancies, from outside sources until they have determined that well qualified surplus employees are unavailable for their vacancies and would also require that, unless a surplus employee is selected, vacancies must be advertised Departmentwide. As presently drafted, the plan defines surplus employees to include those already separated by reduction-in-force, those having specific reduction-in-force notices, and those whose positions are certified as being targeted for abolishment within 90 days. Having learned from our previous experience, the plan would permit internal agency reassignments and promotions since these actions do not reduce the total number of vacancies to be filled and permits management to make better use of its current workforce. The plan would also waive the requirements of merit promotion--advertising, rating, ranking, etc., if a surplus employee is selected.

In this connection I would like to briefly respond to those who have stated that we refused to consider creating a placement program modeled on that of the Defense Department. We are familiar with the DOD program and are quite impressed with it. However, the Defense Department has about a million employees. Their program has evolved since 1964 as a result of numerous reductions-in-force and base closures, and they are able to devote a completely staffed computerized facility to it, not to mention full-time zone coordinators and many others trained in their system. Reduction-in-force in the Department of Justice is a relatively new experience. We have been spared until recently the turbulence which has for so long been commonplace in DOD. We could not hope, with our more modest resources and within the time available to us, to even begin to emulate a program of comparable magnitude or sophistication. Nor would it be remotely cost effective. I understand that whereas their program currently has about 1,000 eligibles and has handled as many as 5 or 6,000, a major reduction-in-force in our Department is in the range of 50-200. You have heard testimony that the American Federation of State, County and Municipal Employees (AFSCME) Local 2830 proposed a Departmentwide program based on the DOD system. To the contrary, Local 2830's actual proposal amounted to nothing more than a reinstatement of the previous priority placement program for LEAA expanded to include the entire Department.

Repeatedly too, we have been urged to seal off the Department to all outside hires without exception. This is unrealistic. We will always have special needs which will have to be met from outside sources; we will have to hire FBI trainee agents, Border Patrol Agent trainees, Correctional Officers and others whose specialized skills cannot be found either within our current workforce or within any group of surplus employees. It is also demanded that we train or retrain surplus employees for other occupations. As nice as it sounds, it is just not feasible to train individuals at the GS-13, 14, or 15 levels for most professional positions in other fields of work at or near these grade levels.

It has also been stated that we refused to consult with AFSCME Local 2830 on a Departmentwide placement program, and that is correct. The American Federation of State, County and Municipal Employees does not enjoy national consultation rights with the Department. That is the exclusive prerogative of the American Federation of Government Employees (AFGE) and we would consult with others at our peril. If this was, as has been alleged, a questionable interpretation, I can assure you that we would be facing an unfair labor practice charge today. Similarly, it has been implied that our AFGE locals are in some way in consort with AFSCME Local 2830. Let me tell you that nothing could be further from the truth. As a matter of fact, during our last priority placement program for LEAA employees, while the AFGE national headquarters approved our plan in "principle," they insisted that local existing agreements remain unchanged, thereby effectively defeating the placement program to the extent that it applied to bargaining unit positions. Their position remains unchanged to this day.

We have, in earlier testimony, been pictured as uncaring and unresponsive to the needs of LEAA. And yet we have drafted a new placement plan; we have again requested early-out retirement authority for 19 LEAA eligible employees, we have provided their personnel office with three of our best Departmental personnelists, and have assigned still another to specifically assist in their outplacement effort. And in spite of testimony to the contrary, I am reassured that an aggressive outplacement program is now underway in LEAA as is evidenced by the second attachment to my statement, and that money is available to obtain an outside consultant to assist if necessary. Moreover, at the Department's urging, close and continuing communication has been established between LEAA and both INS and BOP, bureaus which are presently in the best position to assist LEAA in terms of any possible placement opportunities. Having said that, however, I would be remiss if I did not also point out that any program, regardless of how good--even the DOD stopper list--is unlikely to effect many placements within the Department from the remaining LEAA workforce. We simply do not have enough appropriate vacancies. And, conversely, most LEAA employees are not qualified for the vacancies which we do have. I should also add that I cannot promise that this reduction-in-force, small as it is by the prevailing standards of the day, will suffice. With a further ceiling reduction facing us in fiscal year 1983, additional reduction-in-force actions may prove unavoidable.

I can assure you however, that we will meet and probably exceed any regulatory requirements, and indeed, we have already done so. As you know, under the regulations, we are only required to give employees a 30 day general reduction-in-force notice, and a 5 day specific notice. Our general notice to LEAA employees went out on December 3, 1981, and we are attempting to provide a 30 day specific notice to all affected employees. Our present Departmental

Order on the Reemployment Priority List already meets the requirements mandated by regulation, including that found in 5 CFR 330.302, and our proposed program will greatly exceed such requirements. In spite of the very severe constraints currently imposed on the Department and in spite of the general lack of resources throughout all of our organizations, we will continue to take every reasonable step to assist those LEAA employees who are being adversely affected.

And now, I will address the specific questions contained in your letter of January 29, 1982, to the extent that these have not already been covered in my earlier remarks.

You ask if the Department has been hiring from outside sources since October 6, 1981, when the Justice System Improvement Act (JSIA) agencies were instructed to prepare for a reduction-in-force, and how many new employees have been hired. The answer is that, indeed, hiring has continued from non-Departmental sources. As a matter of fact 851 (about 1.6% of the total workforce) nontemporary positions have been filled during this time--mostly attorneys, lower level clerical, and law enforcement officer trainees. The 579 competitive service positions filled included 4 Immigration Examiners, 2 Deputy U.S. Marshals, 145 Correctional Officers, 43 Border Patrol Agents, 3 Paralegal Specialists, 7 Computer Specialists, 2 Criminal Investigators, 265 clerical, 28 Wage Grade positions, and about 78 others covering a wide variety of jobs. A brief review of these positions suggests that only six of these positions could have provided any reasonable placement opportunity for those LEAA employees scheduled for possible separation. (Unfortunately, available data does not show whether any LEAA employees applied for these positions.) The 272 excepted service positions involved attorneys, law clerks, Veterans Readjustment Act appointees, Physicians Assistants, Co-ops, Criminal Investigator trainees, interpreters, U.S. Marshals (Presidential appointees), Chaplains, Legal Technicians, and the like. Of the competitive service appointments, most (443) were hired by the Immigration and Naturalization Service and the Bureau of Prisons.

You also wish to know how many JSIA employees have been hired for jobs elsewhere in the Department since October 6, 1981, and the answer is 6. Since the termination of the priority placement program a total of 15 (including the 6) have found jobs elsewhere in the Department. I have already indicated that during the priority placement program, 110 employees were placed, including the mass transfer of 66 auditors plus 44 other placements; therefore, from October 22, 1980 to date, 125 total placements have been effected. If we go back to January 1, 1978, a review of what has happened to JSIA employees generally, shows that a total of 390 employees left the agency to other jobs or by way of retirement, while 196 were placed or otherwise found jobs elsewhere within the Department.

You question how many of the 50 JSIA employees on the second level retention register has the Department contacted to offer counseling and assistance? We do not understand what is meant by "second level retention register." However, the Department, consistent with its policy level responsibilities and the fact that operations are decentralized, has not contacted any of the affected JSIA/LEAA employees directly. However, 141 employees are currently registered in the LEAA outplacement program and in the Office of Personnel Management's Voluntary Interagency Placement Program and a broad variety of measures have been taken and are planned to give them direct assistance within the context of that program. The Department, on the other hand, has held several meetings and seminars for our personnel officials dealing with this subject generally, and direct program-related assistance is being provided to the LEAA outplacement program coordinator.

We are asked to provide a list of all Department of Justice vacancy announcements that have been issued since May, 1981, when the priority placement program was cancelled. We do not maintain records of all vacancy announcements centrally in the Department. We are pleased to submit copies of all relevant "Career Opportunities" publications which contain listings of all vacancies advertised Departmentwide together with those vacancy announcements which have been issued by the headquarters offices of our Offices, Boards and Divisions. Since the receipt of your letter we have been in process of obtaining the remainder from our bureaus and, to the extent that these have not yet been received, they will be forwarded separately to the Subcommittee.

Additionally, you want to know what training or retraining has the Department provided JSIA employees who are facing reduction-in-force and why the Department expects the JSIA agencies to carry out an outplacement program internally when funds have either been curtailed or are strained to the limit? I believe that I have already touched on the training aspect in my earlier remarks. As a practical matter, training is normally undertaken to enhance an individuals skills within his or her chosen field or to prepare individuals for reassignment (or voluntary demotion) to closely related fields. An agency would not, to use an extreme example, train a personnelist to be an attorney, though such training might very well be appropriate to train a personnelist to be a management analyst. The lack of training funds in the JSIA agencies would not normally be an obstacle since any necessary or appropriate training would normally be the responsibility of the gaining organization; i.e., the organization which selects a JSIA employee for one of its jobs. As far as outplacement is concerned, it is necessary to point out that resources are limited everywhere in the Department at the present; we have at the Departmental level, exactly three people to handle the broad array of Departmentwide staffing policies and problems and one of these is already being made available to assist the JSIA outplacement effort. Moreover, in exploring this question with other Federal agencies and outside consultants, there is a considerable body of opinion that outplacement is best handled by managers and employees rather than by personnelists. We have, however, encouraged the JSIA agencies to obtain the assistance of an outside consultant and we understand money is available for that purpose.

We are asked who has assumed oversight responsibility for outplacement activities in the Department. The Assistant Attorney General for Administration has Departmentwide oversight responsibility for all personnel matters including outplacement; however, the Department of Justice, in common with other large cabinet-level agencies, is decentralized from the standpoint of personnel operations. Each bureau level organization has been delegated the authority and is responsible for administering its own personnel program.

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The Department's Personnel and Training Staff is, on the other hand, a sta organization responsible for the development of Departmentwide policies, providing training programs which have Departmentwide applicability, performing necessary liaison and coordinating activities with the Office of Personnel Management and with bureau personnel officials, and for the evaluation of bureau programs. It is neither structured nor staffed to provide significant operational support; however, as I have previously noted, we are, in the case of JSIA, providing very substantial assistance. In brief, the Department has not and cannot conduct actual outplacement on a centralized basis, except within very definite limitations.

We are questioned as to why we cancelled the priority placement program for LEAA without replacing it with a Departmentwide program and whether we have any plans to give first hiring consideration to separated employees. I believe that I have already addressed this question at some length. In addition to the climate of uncertainty which I alluded to, I should also point out that in consulting our various bureaus on the question of a Departmentwide program, there was a mixed reaction. It was not until November of 1981 that any significant support for such a program appeared and it was as late as January 1982 before the Drug Enforcement Administration formally requested a program of this type. The placement plan we have proposed and which I have already discussed, as well as the Reemployment Priority List which is required by regulation, both provide first hiring consideration for separated employees.

In conclusion, let me simply say that I share the concern expressed by

President Reagan in his memorandum of August 5, 1981, and believe that our actions are fully consonant with the intent of that memorandum.

I appreciate, Madam Chair, the opportunity to provide you with this information and I hope that my colleagues and I can answer questions that you may have.

Attachment 1

SUMMARY OF SIGNIFICANT EVENTS CONCERNING OUTPLACEMENT OF JSIA EMPLOYEES

03-14-80 - President Carter imposed a hiring limitation; i.e., only one of every two vacancies could be filled.

03-19-80 - The Department imposed a total hiring ban to assess the effects of the Carter hiring limitations.

04-24-80 - The Department lifted the hiring freeze and imposed the one-for-two limitation on those organizations under their ceiling, but retained freeze on others who were over ceiling until they got down to their ceiling.

07-11-80 - As the result of substantial cuts in the budgets of the Justice Systems Improvement Act (JSIA) agencies--particularly LEAA's budget--the Assistant Attorney General for Administration (AAG/A) forwarded a proposed JSIA outplacement program to the Attorney General (AG) for approval. The proposed program received provisional approval late in August. Note that although it is usually identified as "OJARS/LEAA", the program applied to all JSIA agencies that might be affected by reduction-in-force (RIF) actions.

07-21-80 - The Department requests permission from the Office of Personnel Management (OPM) to offer eligible JSIA employees optional "early out" retirement. On August 16, 1980, OPM granted permission to make such offers through February 15, 1981. Sixteen JSIA employees made use of this option.

07-31-80 - The AAG/A asks OPM for authority to grant pay and grade retention to JSIA employees who accept lower graded positions in order to avoid RIF actions. OPM grants this authority on September 15, 1980 for a limited time which expired on December 31, 1980.

08-26-80 - The AG asks the Office of Management and Budget (OMB) to waive the one-for-two hiring limitation then in effect as the result of OMB Bulletin No. 80-7 of April 7, 1980 as it would apply to positions outside in agencies that could be filled by JSIA employees who would otherwise be subject to RIF. This request was granted by OMB on October 14, 1981, provided that the number of positions affected would not exceed 125.

08-28-80 - The Deputy Assistant Attorney General, Office of Personnel and Administration, (DAAG/A-OPA) transmitted the Department's proposed outplacement plan for JSIA employees to the Director, Office of Justice Assistance, Research and Statistics (OJARS) with a note to the effect that it would be signed by the AG as soon as the Department completed its national consultation obligations with the American Federation of Government Employees (AFGE) as required by 5 U.S.C. §7113.

10-01-80 - The AFGE notified the Chief, Labor-Management Relations Group (LMRG), that it agreed with the spirit and intent of the proposed program, but insisted that it be carried out in the units organized by AFGE only insofar as it would not contravene existing negotiated agreements--a caveat that, of course, essentially negated the program's intended effect as applied in those organizations.

10-22-80 - The AG signs and issues a memorandum, to Heads of Offices, Boards, Divisions and Bureaus entitled "Placement of OJARS/LEAA personnel" (i.e., JSIA personnel) implementing an outplacement program. Essentially, the program gave JSIA priority in filling any vacancies they applied for anywhere in the Department at or below their current level if they met minimum qualification requirements. (It did not cover promotions.) Forty four employees were placed as a result of this program.

11-04-80 - Upon the request of the Personnel Director, OJARS, the AAG/A asks the AG to exclude JSIA candidates from screening by the Department's "Employment Review Committee," which, until its authorization expired in February 1981, examined all Departmental promotion actions to mid-level managerial positions to determine whether the organizational entity concerned had met certain affirmative action requirements. The AG agreed to this exception on November 6, 1980.

11-12-80 & 11-14-80 - The Director, Personnel and Training Staff (PTS), issues memoranda addressed to all Department Personnel Officers clarifying certain aspects of the AG's October 22, 1980 memorandum and setting out procedures for implementation.

12-08-80 - The Director, PTS, writes to the Personnel Directors of all other Federal agencies asking them for their cooperation in placing JSIA employees.

12- -80 - The USMS has funding problems.

12-12-80, 12-17-80 & 01-05-81 - Several requests are received from the heads of Offices or Divisions to except placement actions for certain positions in their organizations from the outplacement program requirements. These requests are denied.

01-13-81 - The Acting Director, OJARS, advises OMB of certain placement actions effected as the result of OMB's waiver of its hiring limitation order.

01-20-81 - President Reagan orders total government-wide hiring freeze; OMB issues guidance on 1-24 and 1-29-81.

02-02-81 - The Director, Bureau of Justice Statistics (BJS), one of the JSIA components, requests a waiver of the outplacement program requirements with regard to filling four positions. The request was apparently denied.

03-03-81 - The new President of AFSCME Local 2830, Ms. Reyering, responding to news of further cuts in the JSIA agencies' budgets for FY 1982, writes to the AG seeking assurances that the Department will continue its program to place JSIA employees threatened by RIF's.

03-24-81 - The DAAG/A-OPA writes to the Associate Deputy Attorney General (ADAG) submitting a proposed memorandum from the AAG/A to the AG which recommends that, in view of the fact that other Department components would now likely be required to conduct RIF's, the special outplacement program for JSIA employees be discontinued.

Government-wide hiring freeze lifted by OMB providing agencies do not exceed revised lower employment ceilings, which were also disseminated to agencies.

04-01-81 - Officers of AFSCME Local 2830 meet with the ADAG to express their concern over the proposed discontinuance of the JSIA outplacement program.

The Department continued the freeze with respect to the General Legal Activities (Tax, Criminal, Civil, Lands, Office of Legal Counsel and Civil Rights); exceptions required the prior approval of the AAG/A. (From approximately January to June, 1981, General Legal Activies (GLA) Account was facing a projected $3.5 million deficit owing to unusually high other-than-permanent employment, travel, and equipment costs.) The freeze was lifted for other DOJ organizations provided that they could not exceed new lower ceilings which in many cases; e.g., DEA, BOP, really amounted to a continuation of the freeze administered at the bureau level.

04-10-81 - A meeting on reduction-in-force planning was called by the Department's Director of Personnel and attended by representatives of all of our personnel offices. A survey of the organizations indicated that only the JSIA agencies and, to a very limited extent, the Bureau of Prisons (BOP), anticipated reduction-in-force.

Mr. Ron Redmon, OPM liaison officer for Justice, outlined the steps OPM was taking to assist agencies. An OPM-developed 60-minute narrative and slide presentation on changes in the RIF regulations, copies of the new draft Chapter 351 on RIF and other OPM-developed FPM letters on RIF were distributed or made available to the organizations by the Department's Personnel and Training Staff.

04-15-81 - The ADAG transmits a memorandum to the Acting Director, OJARS, informing him that because of its inequitable impact on other Department organizations facing RIF situations, the JSIA outplacement program would likely be discontinued as soon as the Department met its national consultation obligation on this matter with AFGE.

04-18-81 - Seven organizations were showing an on-board strength in excess of their ceiling allowances: CRS + 19, U.S. Trustees + 160, USMS + 389, INS + 229, DEA + 135, BOP and Federal Prisons Industries 160, LEAA + 206. RIF possibility projected for CRS, USMS, LEAA, and U.S. Trustees (whose funding levels had been substantially reduced).

04-19-81 - Sixty-six auditors were reassigned from LEAA to the Department's Justice Management Division's Internal Audit Staff to help minimize the magnitude of any future RIF in LEAA. Counting the 44 placed as a result of the JSIA outplacement program, the Department succeeded in placing 110 JSIA employees in other positions through May 13, 1981.

04-22-81 - The AAG/A responds to the letter from the President of AFSCME Local 2830 to the AG of March 3, 1980, advising her that because of the fact that other Department organizations now faced the likelihood of RIF's, the special outplacement program for JSIA employees would soon be cancelled.

04-29-81 - The AAG/A recommends to AG the termination of priority placement program for JSIA employees, noting that: "With a new budget and new ceilings having been established, the Department is confronted with an altogether different situation. As you will note from the attached table, five of our component organizations, in addition to OJARS, are now faced with severely reduced ceilings compared with their present on-board strength, and we are faced with probable or at least potential reduction-in-force actions in several cases. Beyond that, however, many of our organizations simply have little or no capacity to add surplus OJARS employees to their rolls."

05-01-81 - The President, AFSCME Local 2830, writes to the ADAG thanking him for meeting with them on April 1, 1981, and requests that a joint management union outplacement team be formed to assist employees affected by RIF's.

05-06-81 - In a memorandum to all organization heads the AG terminates priority placement program for JSIA employees effective May 15, 1981 but encourages serious employment consideration be given to these employees.

05-08-81 - The Acting Director, OJARS, writes to the AG to submit certain suggestions with regard to policies that might be followed Departmentwide to assist employees who will be RIFed if they do not find other positions.

05-08-81 - The Department requested OPM to authorize voluntary optional early retirement for an estimated 30 JSIA employees, explaining that: "With the new budget and ceiling allocations, however, our entire circumstances have been substantially changed. Six of our major organizations besides the JSIA agencies are now faced with significant differences between their on-board strength and their new ceilings. All of our legal divisions, save one, are frozen. At least one of our bureaus is seriously contemplating reduction-in-force, and the Department will shortly be forced to terminate the special placement program for JSIA employees since employees in some of the other organizations will also be seeking alternative employment and, as a practical matter, we can absorb few, if any, surplus JSIA employees elsewhere in the Department of Justice."

05-11-81 - The Director, PTS, issues a memorandum advising all Department Personnel Officers that the JSIA outplacement program will be cancelled May 15, 1981.

05-14-81 - The Acting Assistant Administrator, OJARS, writes to the Director, PTS, protesting the wording of his memorandum of 5-11-81 and suggesting that it be amended to indicate that the AG still wishes "serious consideration" to be given to JSIA candidates for positions in other Department organizations.

05-22-81 - The AAG/A responds to AFSCME Local 2830's letter of 5-1-81 advising Ms. Revering that the Department is drafting a plan to assist Department employees threatened by RIF actions.

07-21-81 - The Acting Director, OJARS, issues a memorandum to all JSIA employees advising them of internal outplacement efforts.

07-27-81 - The Department assigned the Associate Director for Operations, Personnel & Training Staff, to OJARS to begin planning for possible reduction-in-force in the JSIA agencies. However, OJARS was opposed to taking any action in this direction and he returned to the Department on September 4, 1981.

08-07-81 - The Department distributed information on OPM's Voluntary Interagency Placement Program (VIPP) to all Personnel Officers and requested that each bureau designate a coordinator and advise OPM of same.

08-20-81 - The Department delegated authority to all of its major organizations to offer retained grade and/or pay to employees who voluntarily accept positions no more than two grades below their present levels. (The previous special authority granted by OPM to offer retained grade and/or pay to JSIA employees accepting lower level jobs elsewhere in the Department had expired and had been replaced by permanent regulations which delegated such authority to heads of agencies.)

08- -81 - U.S. Attorney funding problems. No attorney hiring. In August, a reprogramming of funds within U.S. Attorney and U.S. Marshals Service appropriation was required to fund unbudgeted and unexpected costs for the U.S. Attorneys: reimbursements to financial institutions, court reporting expenses, and FTS costs.

Reduction-in-force notices prepared for RIF in Community Relations Service (CRS), then cancelled at the last minute just before issuance. Authority sought and obtained from OPM to allow CRS employees to retire on "early out." Returned authority to OPM unused on 9-15-81.

09-02-81 - OPM finally granted our second request for early-out retirement authority for JSIA employees. However, OPM limited use of the authority to the period August 21, 1981 (a date which had passed) to September 30, 1981, with the understanding that it could only be used if a reduction-in-force was actually effected.

09-11-81 - The Acting Director, OJARS, writes to the DAG to, inter alia, suggest that, since other Department organizations seem to no longer be in danger of RIF's, a priority placement program for JSIA employees be reconsidered.

09-15-81 - The Department returned the just-granted early-out authority to OPM unused since any RIF in the JSIA agencies had been deferred.

10-06-81 - The DAG responds to the 9-11-81 memorandum of the Acting Director, OJARS, advising him to institute several internal measures to deal with impending RIF, and informing him that RIFed JSIA employees will receive the same protection under the Department's Reemployment Priority Program as employees RIFed from other Department organizations.

10-26-81 - The Department imposed a new hiring freeze (and other measures) with specific exemptions requiring AAG/A approval (for OBD's) or Bureau Head approval. Operated under continuing resolution which prohibited any enhancements; also uncertain funding levels, which lasted until November 20.

10-30-81 - The President, AFSCME Local 2830, writes to the AG proposing to negotiate with the Department regarding a Department placement program for JSIA employees.

11-02-81 - The Department again assigned the Associate Director for Operations to OJARS to plan and implement necessary reduction-in-force actions. Other Departmental personnel staff also made available for technical advice and assistance.

11-06-81 - The Director, PTS, responding on behalf of the AG to AFSCME Local 2830's proposal, declines to enter into negotiations with the Local on the grounds that: (1) it represented only the employees of the JSIA agencies and, thus, that management's bargaining obligation only exists at the JSIA "bureau" level; and (2) that the Department is, in any event, precluded from negotiating Department level, Departmentwide policies with the Local by the fact that AFGE holds national consultation rights at the Department level pursuant to 5 U.S.C. §7113.

11-10-81 - The Acting Director, OJARS, responds to a request from AFSCME Local 2830 to negotiate an outplacement program. He advises the Local that he has no authority to negotiate a Departmentwide outplacement program.

Another meeting on reduction-in-force planning was called by the Department's Director of Personnel and attended by representatives of all of our personnel offices. A survey of the organizations again indicated that the JSIA agencies anticipated reduction-in-force; BOP had taken a number of limited reduction-in-force actions with few separations; the Drug Enforcement Administration (DEA) representative expressed concern over eventual RIF and a desire for a Departmentwide placement plan; and the U.S. Marshals Service (USMS) representative indicated that a RIF decision was imminent but not certain. Departmental representatives urged all organizations having any vacancies to share this information directly with organizations anticipating RIFs, especially OJARS and USMS, and agreed to consider developing a new and different approach to a Departmentwide placement plan.

11-12-81 - The President, AFSCME Local 2830, writes to the Director, PTS, reiterating her demand to negotiate a Department level, Departmentwide priority placement program for JSIA employees about to be affected by RIFs, arguing that the Department is obligated to engage in such negotiations by Title VII of the Civil Service Reform Act of 1978 (Title VII). The Local argued further, in essence, that the Department had, in any case, an obligation to negotiate over whether it was required by law to negotiate.

U.S. Marshals Service (USMS) issues reduction-in-force notices to approximately 146 employees nation-wide, with January 29, 1982 effective date.

11-13-81 - The Department refused the request of the Acting Director, OJARS, to limit the competitive area for reduction-in-force to LEAA only and reaffirmed the determination that all of the JSIA agencies would, taken together, constitute the proper competitive area. (It was pointed out that, if the competitive area was limited to LEAA, the bumping and retreat rights of LEAA employees would become "entirely or virtually entirely academic.")

11-14-81 - The Director, PTS, responded to the Local's reiterated request to negotiate regarding a Department priority placement plan by declining, again, to enter into negotiations. The Director explained, further, why Title VII could not logically be read as the Local would have it.

12-21-81 - Employment freeze and other measures lifted for the bureaus (but not for OBD's).

The first of 34 general RIF notices issued to employees of the U.S. Trustees organization. These have now been followed by 17 specific notices to date. Eleven employees have already been placed, separated or have voluntarily resigned or retired.

12-23-81 - The DAG advised the Acting Director, OJARS, that LEAA was to be terminated by conducting a reduction-in-force between January 1, 1982 and March 31, 1982 after all continuing LEAA programs and associated personnel had been transferred to OJARS. The DAG also advised that the AAG/A would, in his oversight capacity, assure that the necessary RIF actions were "carried out effectively and equitably," asking that: "Every effort should be made to assure that employee retention rights under the regulations are observed..."

The Assistant Administrator for Operational Support, Drug Enforcement Administration (DEA), in a memorandum to the AAG/A requested a priority placement program similar to the discontinued program established for JSIA employees, noting that DEA was in process of major reorganization and would have to resort to RIF procedures "in the very near future."

12-24-81 - The Department again asked OPM to authorize early-out retirements for 19 JSIA employees, citing the urgent need occasioned by reduction-in-force actions which were now underway. Additional information requested by OPM was provided on 1-24 and 1-26-82.

01-12-82 - USMS cancels all RIF notices after two months of uncertainty.

01-18-82 - The Department held an all-day seminar on outplacement. Thirty-one representatives from our various bureaus and the EEO staff heard OPM speakers on the Displaced Employee and Voluntary Interagency Placement Programs; a representative from the Department of Labor discussed the Federal Employees Re-employment Registry (FERR); other speakers from the Department of Commerce, the Department of Health and Human Services, and the Public Health service reported on their outplacement programs; and a consultant discussed the psychological stress problems of RIF. Following the seminar, arrangements were made for the OPM and Department of Labor representatives to visit the LEAA outplacement coordinator to further assist him in getting LEAA employees registered in VIPP, DEP and FERR. At the seminar, a proposed draft of a Departmentwide placement program was informally distributed.

01-20-82 - The Department formally asked all of its Personnel Officers for comments on a proposed Departmentwide placement program. Essentially, the proposal would establish a Priority Placement and Referral System (PPRS) consisting of (1) all Department employees who have been separated by RIF, (2) all employees who have specific RIF notices, and (3) all employees whose positions are certified as having been targeted for abolishment within 90 days. Before any organization could fill a position from outside sources it would be required to advertise the vacancy Departmentwide (regardless of level) and/or ascertain that a PPRS eligible was not qualified or eligible. An exception to merit promotion requirements would be made if a PPRS eligible was selected. This would afford a certain priority to both JSIA employees as well as other affected employees throughout the Department in filling competitive service vacancies while preserving management flexibility to reassign or promote employees to best utilize the current workforce.

01-21-82 - The Department again furnished all Personnel Officers with material on VIPP and again requested that bureaus designate outplacement coordinators.

01-26-82 - The Department's training staff met with OJARS representatives to discuss the development and delivery of a training module for LEAA employees on such topics as the formulation of resumes, the preparation of SF-171s, preparation for interviews, etc.

The first of 5 RIF notices were issued to members of the Department's Personnel and Training Staff; however, it is anticipated that placements can be effected for those affected.

01-27-82 - The Department distributed a listing of 141 JSIA employees who are or may be affected by RIF to all Department Personnel Officers. (These same employees are now registered in VIPP.) The list indicated their present series and grade, their minimum acceptable grade, and their general occupational eligibility by series. Personnel offices were asked to give these employees maximum consideration.

01-27-82 - Departmental officials together with the LEAA outplacement coordinator visited the Department of Health and Human Services (HHS) Parklawn Training Center to try to determine if and to what extent the HHS "job club" concept could be utilized at LEAA and to obtain information on possible vocational counselling consultants looking toward the contracting for such a consultant to help LEAA employees.

02-04-82 - A member of the Department's Personnel and Training Staff conducted a training session for JSIA employees on the preparation of Federal application forms (SF-171).

U.S. Department of Justice
Attachment 2

Office of Justice Assistance, Research, and Statistics

Washington, D.C. 20531

February 2, 1982

OUTPLACEMENT TASK FORCE ACTIVITIES:

1. July 21, 1981 - Establishment of Outplacement Task Force, Newsletter and Office, a facility where job counseling, telephone, typewriter, job listings are available.

2. August 1981 - Three employment counseling sessions provided on-site by Georgetown University.

3. October 1981 - On-site recruitment session presented by the New York Life Insurance Co.

4. October 1981 - OPM's Vern Linnenkamp counseling session, on-site "How to Prepare Your SF-171".

5. November 1981 - Availability of Placement Assistance on Department of Defense's Centralized Referral Activity Sheet.

6. November 1981 - Task Force contact with Army Department's Special Actions Division, Civilian Personnel for available job vacancies.

7. November 1981 - Collection and publishing of Federal Agency Employment Hotlines for JSIA employees' use.

8. December 9, 1981 - On-site briefing on career opportunities given by Miss Gwen Johnson, U.S. Army Civilian Personnel Office.

9. January 1982 - DOJ presented one-day seminar on RIF and Outplacement.

10. January 29, 1982 - Ms. Gertie Brooks of D.C. Unemployment addressed JSIA employees on-site regarding unemployment insurance benefits.

11. January 1982 - A series of briefings were held for all JSIA offices by OJARS Personnel Office to explain RIF procedures and answer individual employees questions. An information pamphlet was also distributed to employees.

12. Established liaison with OPM and implemented OPM's Voluntary Interagency Placement Program (VIPP) involving registration of JSIA employees in VIPP.

13. Task Force members met with local county (P.G., Arl., Alex, etc.) and Washington D.C. government recruiting officers regarding employment possibilities for JSIA.

14. Task Force members contacted the Resume Place, Inc., for materials to aide employees in preparing resumes/SF-171s, job counseling available by task force members, providing assistance in preparation.

15. Task Force members met with Congress' Government Services Task Force to exchange information regarding RIF and outplacement efforts.

Ongoing Outplacement Task Force Activities:

Development of a register of employees (SF-171s) and Skill Assessment forms which are circulated to Federal agencies, private sources and local governments.

Also, task force members contact professional organizations, private employment sources for the purpose of informing them of employee availability.

Bi-weekly circulation and publishing of DOD department-wide job vacancy listing.

Task Force members have routinuly affected liaison with othe DOJ Personnel Offices and requested employee placement assistance.

APP 23-4

STATE OF MICHIGAN

WILLIAM G. MILLIKEN, Governor

DEPARTMENT OF SOCIAL SERVICES

300 South Capitol Avenue, P.O. Box 30037, Lansing, Michigan 48909

JOHN T. DEMPSEY, Director

March 2, 1982

Members, Subcommittee on Human Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative,

I am asking for your support for the continued level of funding for the Juvenile Justice and Delinquency Prevention Act for fiscal year 1983. This funding is critical to the continued, important initiatives in tackling the problems of juvenile crime and delinquency and their reoccurance nationwide.

As you may be aware, Michigan was one of the few states who successfully reduced the secure detention of status offenders largely through the assistance of JJDP funds. We are now aggressively pursuing the removal of juveniles from adult facilities and have developed a diversion state plan to provide alternatives for juvenile offenders. The loss of further funding coupled with the severe fiscal situation Michigan is facing will not only impact on these and other innovative programs, but will remove services from communities who are experiencing an increase in juvenile crime as the result of the economic downturn.

I urge your Committee to support the continuing efforts of this state and nationwide to meet the needs of troubled youth.

Thank you.

Sincerely,

Shirley A. Tate

Shirley A. Tate, Director
Office of Children and Youth Services

Illinois Juvenile Justice Advisory Council

March 24, 1982

The Honorable Ike F. Andrews
Chairman
House Committee on Education and Labor
Subcommittee on Human Resources
2178 Rayburn Building
Washington, D.C. 20515

MAR [illegible]

Dear Congressman Andrews:

I am both optimistic and concerned as I write to you to report on the progress to date of the juvenile justice program in Illinois. Through the judicious use of juvenile justice funds combined with the support of the Governor, the Illinois legislature and juvenile justice actors throughout the state, a major milestone has been reached this past year--Illinois requested and received from the Office of Juvenile Justice and Delinquency Prevention a finding of full compliance with the deinstitutionalization and separation mandates of the Act. I am confident that Illinois will remain in compliance as long as staff are able to continue monitoring statewide detention practices and assisting communities to identify and develop alternatives to detention.

It is my hope and our state's plan that Illinois will follow Congress' lead this year by placing emphasis as well on the removal mandate and the needs of serious and violent juvenile offenders. Given the progress made to date, this seems a natural step. In that regard, staff are presently cooperating with the Illinois Department of Corrections and several Illinois metropolitan counties to develop programs for serious offenders who are returning to their communities. Using the study completed by our staff for Congress as a basis, Illinois is thoroughly exploring the impact of the removal mandate on our state. When removal of delinquents from adult jails and lock-ups was last considered by the Illinois Juvenile Justice Advisory Council and the Illinois Law Enforcement Commission, both agreed with the underlying philosophy but also noted the difficulties inherent in a 6-hour grace period. As a result the Council and the Commission urged Congress to provide for a 24-hour grace period.

120 South Riverside Plaza, Floor 10, Chicago, Illinois 60606 (312) 454-1560

Any further reduction in the level of juvenile justice funding would significantly reduce Illinois' ability to achieve its and Congress' shared goals. I am therefore encouraged by your recommendation that $100 million be appropriated for the Juvenile Justice and Delinquency Prevention Act in FFY '83. While the total dollars available would be less than in past years, I believe that with these fewer dollars great strides can still be made in Illinois. This task will be complicated, however, by a series of on-going staff changes at the Office of Juvenile Justice and Delinquency Prevention.

I understand that staff at OJJDP are being replaced by persons laid off as a result of the closing of the Law Enforcement Assistance Administration. OJJDP staff have been most sensitive to the special needs and problems of Illinois. Further, the monitoring, separation, deinstitutionalization and removal mandates of the Act require specialized expertise for their successful implementation. This task will be especially difficult for staff who have not been present as the philosophy of the Act has evolved and been implemented. To the contrary, many LEAA staff may have very different points of view which are not supportive of juvenile justice legislation which emphasized diverting youth from the juvenile justice system to alternatives which will foster their healthy growth and development.

If you have any questions, or if I may provide you with additional information, please feel free to contact me.

Thank you.

Sincerely,

Larry L. Thompson
Chairman
Illinois Juvenile Justice
  Advisory Council

LLT:fo
cc: A. L. Carlisle
    G. Raley

STATE OF MICHIGAN

WILLIAM G. MILLIKEN, Governor
DEPARTMENT OF MANAGEMENT AND BUDGET
GERALD H. MILLER, Director
OFFICE OF CRIMINAL JUSTICE
P.O. BOX 30026, LEWIS CASS BLDG., LANSING, MICHIGAN 48909

MAR 29

March 23, 1982

Ms. A.L. Carlisle
21 Maple Lane
Cape Elizabeth, Maine 04107

Re: Impact of the Reduction on Force
on the Office of Juvenile Justice
and Delinquency Prevention

Dear Ms. Carlisle:

As you know, the reduction in force which is occurring within the Department of Justice is of great concern. We have heard from several sources that the turnover in staff at the Office of Juvenile Justice and Delinquency Prevention will be 90% or more by September 30 of this year. Change of this magnitude will by its very nature have major negative impacts on the Juvenile Justice program and the initiatives established in the Juvenile Justice and Delinquency Prevention Act which it is implementing.

I have outlined some of the concerns which the leadership of the Michigan Advisory Committee on Juvenile Justice and the staff of the Office of Criminal Justice Programs have identified in the attached statement of concern. We have many questions about the merit or purpose of actions on the part of the Department of Justice to permit such a massive shift in personnel. Administrative actions on the part of the Department of Justice ~~could~~ cripple both the ability and the will of the Office of Juvenile Justice to accomplish change in this vital area.

If you have questions about this material or if you need more detailed information about the impact on Michigan, please let me know at 517/482-4161 or call Ralph Monsma at 517/373-6510.

Sincerely,

Beth Arnovitz

Beth Arnovitz
for Ilene Tomber

POTENTIAL IMPACT OF THE REDUCTION IN FORCE (RIF) WITHIN THE DEPARTMENT OF JUSTICE ON THE IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

INFORMATION WHICH WE HAVE RECEIVED TO DATE

Through contacts in Washington and in other states, the Michigan Advisory Committee on Juvenile Justice has received information that changes in staffing within the Office of Juvenile Justice and Delinquency Prevention are planned for later this week and at other times over the next six months with the effect that 90% of the OJJDP staff will be replaced with personnel from other areas within the Department of Justice. If this plan is carried to its conclusion, 9 out of 10 of the staff members of the Office of Juvenile Justice and Delinquency Prevention will be new to the Office and new to their positions and will not have participated in the development and implementation of the Juvenile Justice and Delinquency Prevention Act to date. This turnover comes at a time when the Office is for the first time in recent memory staffed at a level near its authorized complement and, for the most part, with staff who have had several years of experience in their particular area of responsibility. Essentially, the Office, after several years of struggling to build a solid core staff have achieved this level, and now this experience is being sacrificed due to the RIF process.

AREAS OF CONCERN

We are concerned that the RIF will negatively impact on the ability of the Office of Juvenile Justice and Delinquency Prevention to offer the following services:

- Technical Assistance- The staff of the Office of Juvenile Justice are providing a much higher percentage of the technical assistance offered as the funds for contractors are cut. For staff to be effective, they need to know the juvenile justice area. Technical assistance provided without such a background will be much less effective, since it can not be targeted to the individual needs of the agency and the technical assistance contact will not be delivered with as much knowledge of the area being addressed.

- Guidance on the Federal Regulations- Interpreting the federal guidelines relative to the Juveile Justice Act has always been a difficult, often tedious activity. One of the criticisms of the Office in past years has been the inconsistency in interpretation which has occurred as new staff are brought on. In recent years this issue has been greatly minimized due to better supervision and the stability of staff members within the office. A 90% changeover would again introduce this problem into the complex process of implementing the Act. The result could well be that the state juvenile justice specialists have more information on the guidelines than the staff that will be involved in the Washington office.

- Program Development Assistance- The majority of the staff within OJJDP have extensive backgrounds in the juveile justice area. Many have had years of direct experience; others have had many years of working with agencies, professional organizations, and volunteers in the juvenile area. As a result, they can provide program development experience based on a knowledge of the juvenile justice area, the reality of work in the field tailored to the needs of the agencies, professionals, and volunteers which they serve. This is a very important strength of the current staff which is not likely to be available to the same extent with new staff resources.

- Information on the History of the Act- The history of the JJDPA is important to where the program is and where it is going. Without the sense of history, the program does not have as much continuity or potential for impact. The current staff know that history and know the why and wherefore of decisions. This is important to the continuity of decision making and emphasis in the program.

- Knowledge of State Programs- Another issue is the turnover in contacts on individual states. Too often the history has been one of frequent turnover, leading to a lack of continuity in contact with the state. In the past year, OJJDP has achieved a better ratio of state representatives to states and adequate contact with individual states now is a possibility. Many of the OJJDP staff members have been able to establish strong working relationships with state personnel and know the states individual needs and problems in dealing with implementation of the JJDPA. This is particularly important regarding the DSO initiative, monitoring processes with the state, the State Advisory Group leadership, the state's situation relative to implementation of the jail removal initiative, the incidence and location of serious juvenile crime in the state, and the history of funding relative to special emphasis programs. Many other examples can be added to this list.

- Monitoring Assistance- Each of the states must demonstrate its compliance with the Deinstitutionaization of Status Offenders mandate through monitoring of secure detention facilities. Each state has its own process based on existing data collection methods and capabilities and the nature and auspices of the detention facilities in the state. Providing technical assistance to the state on this procers is very demanding, since the subject is complex and the data keeping procedures are rigorous. The process also requires knowledge of juvenile court procedures and the implementation of due process requirements. The recent valid court order amendment has further compounded this issue, making the demands upon staff greater than ever.

  Of equal importance is the need for consistency in the interpretation of the monitoring guidelines and regulations. Stability in this area is crucial to the success of the overall program. We need consistent leadership here on an on going basis.

- Background on Legal Issues Involved in the JJDPA, Juvenile Justice Area- Knowledge of the legal issues involved in the DSO issue, the JRI issue, and the violent juvenile crime area is very important to the JJDPA and to the Office of Juvenile Justice and Delinquency Prevention. The JJDPA State Representatives gain background in this area through contact with the staff of the Office of General Counsel, staff from the state planning agencies and personnel within the state with which they maintain a liaison. They may be asked to coordinate testimony on issues relating to the JJDPA, juvenile law, or the requirements for monitoring or jail removal as part of their responsibilities. Members of the Special Emphasis section of the

Office have the same responsibilities relating to the specific legal issues which they encounter as part of their grant application review and grant monitoring responsibilities. Replacing these people with persons without this background wuld substantially weaken the Office's ability to handle the legal issues involved in the juvenile justice area.

Immediate Responses to Detailed Program Issues- One of the most important duties of the OJJDP staff, whether in the formula grant or the special emphasis area, is the responsibility of providing immediate technical assistance to the field on juvenile justice and delinquency prevention program issues. This skill requires background in the area, with both education and experience contributing to the knowledge base. Many OJJDP staff brought this background to their positions based on years of experience in the field. All of the OJJDP staff have gained experience with juvenile justice issues through their on the job experience. This staff capability must be retained if the Office is to be able to provide prompt, adequate attention to the program requests from the states.

The front line of contact with the states is through the OJJDP specialists. They need to know how to handle detailed program issues.

CENTRAL ISSUE

Perhaps the biggest single issue is to determine how the present staff of the Office compares with the new personnel who would replace them on criteria such as experience, education, background, and knowledge in the juvenile justice area. Of particular importance are issues such as desire, motivation, and dedication to the juvenile justice area. The Office of Juvenile Justice is only as good as the collective productivity of its staff. When they have the capability and the desire to help make the changes desired by the JJDPA, the legislation has an excellent chance of continuing its positive impact on the juvenile justice area.

March 25, 1982

House Committee on Education and Labor
  Subcommittee on Human Resources
The Honorable Ike Andrews, Chairman
2178 Rayburn Building
Washington, DC 20515

RE: Juvenile Justice and Delinquency Prevention Act

Dear Congressman Andrews:

Minnesota has been an active participant in the Juvenile Justice and Delinquency Prevention Act (JJDPA) since its beginning in 1975. For our state the JJDPA has been a major impetus for change in our juvenile justice system. Not only have the funds been used to assist juvenile offenders, but the requirement for a statewide advisory committee has caused professionals and interested citizens from across the state to come together to discuss, in some cases for the first time, strategies to improve out juvenile justice system. This, of course, could have been possible without the JJDPA, but it would have been unlikely. In Minnesota the responsibilities for services to juveniles is spread across many systems and decisions are made at both the state and local levels of government. No one thought there was a need for planning across all of these systems. The JJDPA changed that. As a result, some communities now have cross system planning and program implementation to deal with juvenile offenders. There are also legislative juvenile justice subcommittees looking at issues having broad impacts on the state. It is not clear if, without federal support, the JJAC could continue. Minnesota is in a severe budget crisis; and, planning and services for troubled youth are not a top priority for state funds.

The JJAC has distributed federal action funds for many programs across the state. JJDPA monies have been used to develop shelter programs within most counties across the state. The training component within these programs has been used by other professionals within these counties, thus increasing the knowledge and skills of many persons working with juveniles.

One program designed for the serious offender population in our state correctional system was the impetus to improve procedures and practices for all juveniles incarcerated in state correctional institutions. State laws have been altered to meet the requirements of deinstitutionalization, and an assessment of jailing practices and possible alternatives is current taking place. It is doubtful whether these changes would have taken place without the JJDPA. This Act serves to focus attention on the delinquency population and to examine system practices which may encourage rather than discourage entrance to the juvenile justice system.

Because of Special Emphasis funds, Minnesota's largest county restructured its probation practices to include restitution which now requires due process procedures. Three smaller counties also received funds for restitution programs which have been continued with local dollars. Other Special Emphasis monies have been used to improve school procedures, and a new program will identify and serve "at risk" youth.

Not all of our attempts at change have been successful in Minnesota. We still classify status offenses as delinquent acts, and with the exception of secure incarceration, treat them as offenders. But because of the JJDPA the issues is constantly raised, and alternative models are continuing to be discussed.

The JJAC work plans for the future include a redefinition of our role. Recent Minnesota legislation has made the JJAC the supervisory board for the purposes of determining the contents of the state plan and for decisions about grant awards. This legislation gives even more credibility to our committee. We are also planning a study of out-of-home placements of children and will report to the Legislature and the Governor at the end of the year.

The committee has also been well-served by the federal staff at OJJDP. We are concerned that the Reduction in Force now in progress in Washington will erode the national juvenile justice program. The JJDPA needs dedicated, well-trained, and experienced personnel to assist in the implementation of the philosophy and intent of the Act. We, in Minnesota, have also been faced with a similar problem. Through the efforts of our committee, we have continued to have qualified staff for our committee and assistance in our efforts. We hope this can be accomplished at the federal level.

Our committee appreciates all of your support in the past and will continue to provide you with information on our activities.

Sincerely,

Jane Nakken

Jane Nakken
Vice Chairperson
Minnesota Juvenile Justice Advisory Committee

JN/amc

Council on Criminal Justice

30 West Mifflin St
Madison WI 53702
608/266-3323

March 26, 1982

The Honorable Ike F. Andrews
U.S. House of Representatives
2201 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Andrews:

Wisconsin has participated in the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) since 1975. Since that time many significant improvements have taken place in Wisconsin's juvenile justice system. We would like to briefly describe some of those improvements to you.

In 1974, Wisconsin was cited as one of the states showing the highest juvenile detention rate in the country. Most recent data indicate that a 44% reduction in overall detention admissions took place between 1974 and 1980. In 1974 Wisconsin securely detained approximately [illegible]585 status offenders for over 24 hours; in 1980 this figure was reduced to 99. These strides have been made possible because of Wisconsin's involvement with the JJDPA which mandates the deinstitutionalization of status offenders (DSO) and non-offenders.

To achieve compliance with the DSO mandates of the Act (which Wisconsin did in 1980), the state has had to develop formal diversion plans and a network of non-secure alternatives to incarceration throughout the state to support the plans. Some of the effective options that have been implemented to-date are the Home-Detention Programs, Receiving Centers, Shelter Care Facilities, Foster Care Homes, and Group Homes. JJDPA program dollars have also been utilized to develop diverse services to help troubled youth such as restitution projects, employment-training programs, alternative education opportunities, counseling services and police-school liaison programs. Juvenile justice monies have encouraged the development of services to the victims of crime and a network of volunteers to work with young offenders.

Further, JJDPA programs have effected system-wide improvements vis-a-vis statewide training and technical assistance programs for juvenile justice professionals, evaluation and policy research projects, and efforts to develop a statewide juvenile justice information system. The Act was a catalyst in the development of state standards and goals for juvenile justice (which have been implemented to a substantial degree to-date) and a recent major revision of Wisconsin's Juvenile Code.

One program having a growing and positive impact across the state is the Positive Youth Development (PYD) Program which focuses on the prevention of juvenile delinquency. PYD activities center around helping communities identify conditions (in the community) which have a negative impact on the development of young people and working with those communities to increase and promote positive conditions. A strength of this program is its almost total reliance on community volunteers to carry out action plans developed for the community. State agencies are also involved. The PYD program, developed with relatively few juvenile justice dollars, has laid the groundwork for a statewide delinquency prevention program.

State of Wisconsin

Office of the Governor
Lee Sherman Dreyfus, Governor

In concert with the PYD initiative, juvenile delinquency prevention activities are emphasized in Wisconsin's Annual Juvenile Justice Plan for 1982, as well as activities designed to improve juvenile court services and to enhance police-school relations and efforts. Plans are also being developed to draw young people and the elderly together to cooperatively work toward the prevention of crime. This activity is a planned spin-off to a major statewide crime prevention effort that is currently being launched in Wisconsin. (Activities of the PYD will be linked with this crime prevention effort too.)

Clearly, the JJDPA has been a significant force in effecting positive change in the philosophy and operation of the juvenile justice system in Wisconsin. The OJJDP has had an active hand in this transformation as well as having provided leadership throughout the process. Without OJJDP support and direction and the incentive created in the Act to improve our juvenile justice system, few of the described changes to the system would have taken place and few of the programs and services would have been developed and implemented.

We would like to see Wisconsin build on the solid foundation that has been established since its participation in the Act. We are concerned that this will not be possible if the OJJDP is eliminated in the future and our state is deprived of this vital resource.

An additional concern regarding the OJJDP relates to the pending Reduction in Force (RIF) planned for that Office. It is our understanding that by October 1982 there will be an approximate 90% turnover in the OJJDP staff. We predict that the reality of this turnover will have a negative impact on the ability of the OJJDP to provide services that this office and other state planning agencies across the country rely on the Office for, such as technical assistance to the Criminal Justice Council and the State Advisory Group, guidance on federal regulations, assistance in the ared of program development and detention monitoring assistance. Our office also looks to the OJJDP for immediate advice on legal issues, program issues, and information on the history of the Act. Access to these types of services will be impaired if the majority of those staffing the OJJDP lack the needed expertise to fill such service requests.

The JJDPA has been an effective piece of legislation and should be continued. The Office administering that Act for the nation needs strong, knowledgeable leadership at the helm in order to carry out the job in the best and most efficacious manner. This is not possible with a staff whose expertise lie in different areas.

Thank you for this opportunity to provide information on Wisconsin's participation in the JJDPA and the potential effects of the RIF planned for the OJJDP.

Sincerely,

Harry A. Yates

Harry A. Yates, Chief
Planning and Operations

Erwin J. Heinzelmann

Erwin J. Heinzelmann, Chair
JJDPA Advisory Committee

1870 Wyoming Avenue, N.W.
Washington, D.C. 20009

April 8, 1982

Honorable Ike Andrews
U.S. House of Representatives
2201 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Andrews:

On March 31, I attended the oversight hearing on the Office of Juvenile Justice and Delinquency Prevention conducted by the House Subcommittee on Human Resources.

Your questions to Justice Department witnesses were excellent and pointed out the concerted efforts of Justice to "kill" the Office of Juvenile Justice and Delinquency Prevention.

I very much appreciate your support of the Office of Juvenile Justice and Delinquency Prevention and I urge that a $100 million budget be established for OJJDP in fiscal year 1983.

Sincerely,

Michelle Hannahs

Hon. Ike Andrews
Room 2201 Rayburn Building
U.S. House of Representatives
Washington, D.C. 20515

April 12, 1982

Dear Congressman Andrews:

I am writing once again to thank you for your undaunted support of the Juvenile Justice and Delinquency Prevention Act. I attended the OJJDP Oversight Hearing you conducted on March 31 and believe that it was essential that representatives of the current Administration be brought to task. I agree with your position that their approach to managing OJJDP may cause irreparable harm to the Juvenile Justice Act and, more importantly, to the ultimate beneficiaries of the Act - troubled youth.

Associate Deputy Attorney General Morris indicated at that hearning that the Justice Department would support OJJDP programs with "vigor and enthusiasm." That was a curious comment given the way this Administration has ignored and blatently opposed Congressional mandate. As you reminded Mr. Morris, to date there is no permanent director for the Office and members of a National Advisory Committee have not been appointed. Beyond that, it is truly hard to believe that OJJDP has not been singled out in some way to absorb more that its "fair share" of the current and proposed RIFs within the Justice Department.

Your leadership and support of the Juvenile Justice Act are greatly appreciated. I applaud the continuing efforts being made by you and your staff and thank each of you for taking such an ardent position on this issue.

Sincerely yours,

Catherine Pierce

BAYSHORE YOUTH
SERVICES BUREAU
CORNER BROAD AND ELIZABETH STREETS, KEYPORT, NEW JERSEY 07735 Y 201 · 739-8686

APR 2 1 1982

April 16, 1982

The Honorable Ike F. Andrews, Chairman
Subcommittee on Human Resources
House Education and Labor Committee
2178 Rayburn House Office Building
Washington, DC 20515

Dear Senator:

We urge you to reject President Regan's proposed 1983 elimination of funding for Juvenile Justice Formula Grants.

At a time when emphasis is being placed on cost effectiveness and community based programs, it makes "absolutely no sense" in eliminating funding in this area.

We also believe funding information has been distorted, in giving the impression that most of the funding of the former Law Enforcement Administration has been spent on Juvenile Justice Programs. This is incorrect, as only 17% of the total amount of Federal monies has been allocated to Juvenile Justice. This is a "drop in the bucket", and now even this drop is being taken away.

We urge you to consider the cost of having a child placed in a residential setting, with costs ranging from $12,000 to $21,000 a year. At the Bayshore Youth Services Bureau, costs for a child served is $650 per year,per child. Therapeutic benefits are substantial,in keeping children in the community with their natural families whenever this is in the best interest of the child and family.

We urge you and appeal to your conscience, in considering the upcoming Federal 1983 budget on the merit of each program being considered, and not being lumped into one package piece of legislation, as was done with the 1982 Reconciliation Project. Last year action was easy, but it wasn't fair.

We have elected you to represent all of the people, regardless of economic class, religion, racial and ethnic background, and sex.

Thank you.

Sincerely,

James J. Murray

JJM:ac

James J. Murray,MSW, ACSW
Executive Director

Foothill Youth Services Project (213) 790-8833
5039 Palm Dr. La Cañada Flintridge. 91011

April 22, 1983

The Honorable Ike Andrews
U.S. House of Representatives
House Office Building
Washington, D.C. 20515

Dear Representative Andrews:

I have been asked to express our concern regarding continued funding for the Office of Juvenile Justice and Delinquency Prevention on behalf of the Board of Directors, composed of five elected officials representing three cities and two unified school districts.

> WE STRONGLY URGE THE INCLUSION OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION IN 1983-84 FISCAL YEAR BUDGET AND APPROPRIATION FOR THE JUSTICE DEPARTMENT AT A $100 MILLION LEVEL.

We have found that diversion and prevention programs, supported by funding through the Office of Juvenile Justice and Delinquency Prevention, to be effective in intervention with those youth who exhibit patterns of behavior which bring them, or is likely to bring them in contact with the Juvenile Justice System and that such programs can modify these behavior patterns. Appropriate intervention reduces further penetration into the Juvenile Justice system and has direct dollar and flow impact on policing agencies, the courts, and detention facilities. It is our belief the diversion and prevention programs are part of the overall effort to reduce and control juvenile crime.

Respectfully yours,

Carl W. Raggio, Jr.

Carl W. Raggio, Jr.
President of the Board

Serving The Communities of Burbank, Glendale, La Cañada Flintridge.

Law-Related Education Evaluation Project

P.O. Box 3578 Boulder, Colorado 80303 (303) 492-8154 (303) 443-7977

April 23, 1982

Mr. Gordon Raley, Staff Director
Subcommittee on Human Resources
Committee on Education and Labor
United States House of Representatives
Washington, D. C. 20515

Dear Mr. Raley:

I would like to bring to your attention a preliminary report dealing with a two-year evaluation study of law-related education projects funded by the Office of Juvenile Justice and Delinquency Prevention. I have enclosed a brief summary of that report and would be happy to send you a complete copy if you would be interested.

Our preliminary data indicate that properly implemented educational programs conducted in school settings may well offer a tool for combating delinquent behavior among young people. Even more powerful is the evidence that such programs may serve to create conditions and attitudes that can prevent delinquent acts in the first place.

We applaud the willingness of the Office of Juvenile Justice and Delinquency Prevention to support a research and development effort in the area of educational programs. We would encourage Congress to study this initiative carefully. It may represent an effective as well as economical approach to combating delinquency among young people.

Sincerely,

Mary Jane Turner
Co-Director

MJT:[illegible]

Enclosure

Funded by National Institute of Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, United States Department of [illegible]

LAW-RELATED EDUCATION LINKED TO DELINQUENCY PREVENTION

A national study funded by the National Institute of Juvenile Justice and Delinquency Prevention indicates that law-related education holds promise as a delinquency-prevention method. The two-year study was conducted by the Social Science Education Consortium, Inc. and the Center for Action Research, Inc., both of Boulder, Colorado.

For the past three years, the Office of Juvenile Justice and Delinquency Prevention has funded a national law-related education effort. Law-related education is an instructional program designed to provide students in elementary and secondary schools with practical understanding of the law and legal processes and to equip them with an awareness of their rights and responsibilities. Special features of the effort funded by OJJDP are its stress on (1) active student involvement in learning through such events as mock trials and role plays; (2) opportunities for students to demonstrate their learning in ways other than traditional tests; and (3) chances for young persons and police, attorneys, and other justice personnel to interact in a positive way.

The evaluation of the program's effect on students was conducted during the spring of 1981. High school juniors and seniors in eight communities across the nation participated in the study. The results indicate that when properly taught, law-related education can have a positive effect on reducing delinquency.

Students participating in the evaluation were asked to complete an anonymous report of their own delinquent behavior before and after participating in a law-related education course. The results were compared with those of classes who did not have instruction in law-related education, the control classes. Four of the law-related classes studied showed marked reductions in their rates of delinquency compared with the control classes.

Of special interest, according to NIJJDP, is the fact that the favorable effect of law-related education appears to extend to students at all ability levels, as well as to young persons whose levels of delinquent behavior before instruction ranged from slight to substantial.

The study also showed that students in the well-taught classes improved along a range of attitudes related to delinquency. For example, they were less accepting of the use of violence to solve problems, less dependent on relationships with others who engage in delinquent behavior, felt less isolated from school and their teachers, and felt that their parents and teachers viewed them more positively.

The classes participating in the evaluation study were observed by members of the evaluation project staff, as specified in the research design developed in conjunction with NIJJDP staff. These observations permitted identification of the ways in which the four classes that showed reductions in delinquent behavior differed from the other six classes studied. The following factors appear to hold the key to the effectiveness of law-related education in preventing delinquency.

First, in the classes that reduced delinquency, community professionals such as police officers were extensively involved in the courses. In addition, these professionals were given adequate preparation for working with young people. They understood how to present material effectively and what the purpose of the course was.

Second, these classes used teaching strategies that encouraged young people to work together. Students depended on each other in preparing panel discussions, mock trials, case studies, and role plays.

Third, teachers and community professionals in the classes that reduced delinquency used examples of legal cases that illustrated both the strong points and shortcomings of our legal system. These teachers struck a balance between respect for the law and healthy skepticism about its application.

Other key factors were the length of the class--often a full semester--support for the program by school administrators, and the chance for teachers to work together in planning their programs.

The study also indicated that law-related education appears to hold promise as an alternative to traditional court-mandated programs for juvenile offenders. Pilot programs in which juvenile offenders were placed in law-related education programs rather than placed on probation showed a trend toward improvement in behavior.

Even the modest findings of behavioral improvement in this area are encouraging, however, when viewed in the context of findings from earlier diversion program evaluations; most previous evaluations of diversion programs have found no reductions in delinquency among diverted youth.

A service agency
working toward
the resocialization
of offenders

WISCONSIN CORRECTIONAL SERVICE

436 W. WISCONSIN AVENUE, MILWAUKEE, WISCONSIN 53203 PHONE: 271-2512

Programs:

Community/Prison Liaison
Court Intervention Services for Milwaukee & Waukesha
Alcohol Therapy Program
Fourth Street Drug Program
Mental Health Treatment Program
Corrections Legal Service Program
Outreach Home Detention Program for Milwaukee & Waukesha
The Bridge Halfway House
Baker House Pre-Release Center
Volunteers in Probation (VIP) Program
House of Correction Intervention/Counseling Programs

May 3, 1982

The Honorable Ike F. Andrews, Chairman
House Subcommittee on Human Resources
2201 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman:

Wisconsin has participated in the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) since 1975. As a result, many significant improvements in the state's juvenile justice system have taken place.

The enclosed package of information has been prepared to inform you of some of these accomplishments as well as to briefly describe current juvenile justice activities in the state and possible future initiatives. Information on the potential effects of budget cuts, on federal juvenile justice awards to Wisconsin and on juvenile crime arrests is also enclosed.

I hope this information will be of assistance to you in making future decisions regarding the JJDPA. If the Wisconsin JJDPA Advisory Committee can be of any further assistance to you, please do not hesitate to call me at (414)271-2512.

Sincerely,

Erwin J. Heinzelmann, Chairman
Juvenile Justice and Delinquency
Prevention Act Advisory Committee

EH/lc
Enclosures

A UNITED WAY/COMMUNITY CHEST SUPPORTED AGENCY

INFORMATION REGARDING IMPLEMENTATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT IN WISCONSIN

May, 1982

The Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 and Amendments of 1980 (Public Law 96-509)

The JJDPA is a federal initiative designed to:

- deinstitutionalize status offenders (DSO) and non-offenders*;
- separate juvenile and adult offenders detained in the same secure detention facilities;
- stimulate the development and implementation of diverse programs and services to divert juveniles from the justice system and to deal with delinquency and;
- remove all juveniles from adult jails and lockups by 1985 in states which participate in the Act.

The JJDP Act has been a significant and effective piece of legislation. In addition to providing an incentive to comply with mandates of the JJDPA, in Wisconsin the Act has stimulated overall improvement of the juvenile justice system and has spurred the development of diverse and successful programs for troubled and troublesome juveniles. On the federal level, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is charged with administering the Act. The Wisconsin Council on Criminal Justice (WCCJ) oversees implementation of the JJDPA in Wisconsin.

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*Deinstitutionalization as promoted by the JJDPA suggests the removal of status offenders (and other offenders) from detention in a secure facility. Status offenses are those acts committed by juveniles that would not be considered criminal if committed by an adult such as truancy, incorrigibility, and running away.

Impact of the JJDP Act on Wisconsin's Juvenile Justice System*

Wisconsin's participation in the JJDP Act has resulted in many significant improvements in the state's juvenile justice system. Major accomplishments include, but are not limited to, the following:

- Full compliance with the deinstitutionalization of status offenders and separation mandates of the Act;
- Development and implementation of state Juvenile Justice Standards and Goals;
- Revision of Wisconsin's Children's Code;
- Improvement in diversion and screening capabilities of law enforcement and courts (i.e. Juvenile Officers, 24-Hour Juvenile Court Intake Services);
- Development of an alternative network of resources and services for juveniles in contact with the justice system including foster care, group homes, shelter care facilities, home detention programs, restitution projects, alternative education, employment-skills training projects;
- Increased juvenile justice system and public knowledge and sensitivity to the needs of special groups of young people such as female offenders, victims of child abuse (physical, emotional and sexual) and children involved in prostitution;
- Improvement of youth advocacy capabilities at the state level;
- Provision of state and local juvenile justice training and technical assistance.

Additionally, the JJDP Act had significant impact on major state policy initiatives including: a) Biennial budget process/outcome relating to youth services; b) Implementation of Youth and Family Aids Legislation; c) Shelter Care Reimbursement Subsidy; d) Support of the statewide Juvenile Supervision and Aftercare Services Initiative.

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* See Attachment A for a more detailed description of these accomplishments

Current Emphasis of Juvenile Justice Activities on Wisconsin

Annually, the Wisconsin Council on Criminal Justice (WCCJ) coordinates the development of the state's Juvenile Justice Plan which identifies problem areas in juvenile justice and targets activities for improvement of the system. Development of the Plan is based on input solicited of state agencies, local units of government, and private non-profits. The Plan then governs the activities of the WCCJ and agencies that apply to work with the agency, throughout the Plan year. Wisconsin's 1982 Juvenile Justice Plan states juvenile justice improvement via the following activities:

- assisting communities in the prevention of juvenile delinquency
- increasing the availability of alternatives to secure detention (foster care, home detention, shelter care);
- expanding the range of dispositional and aftercare (after correctional institution placement) alternatives for juvenile offenders (supervised work programs, restitution, group homes);
- implementing demonstration projects designed to reduce recidivism (reentry to the justice system);
- conducting research to test the effectiveness of program concepts;
- providing specialized support services for troubled youth (ex. programs for juvenile offenders involved in prostitution, alcohol abuse or drug abuse);
- developing services to families of delinquents to foster improved family functioning;
- implementing programs to victims of child abuse and physical or sexual abuse;
- expanding local options for alternative education;
- providing prosecutorial and defense services in jurisdictions with these needs; and
- improving local law enforcement agency abilities to work with juveniles.

Other juvenile justice activities are aimed at the provision of training and technical assistance to state and local agencies, the improvement of juvenile justice coordination and a statewide information system.

• Future Initiatives and Activities •

Over the past several years, Wisconsin rightly has been acclaimed a leader in the area of juvenile justice. Problems with the state's juvenile justice system persist, however. This section briefly describes some of these problems and discusses possible future efforts to address system weaknesses.

Violent/Serious Juvenile Offenders

Though Wisconsin's violent/serious juvenile offender population is small, it does, nonetheless, generate intense public concern. Professionals who deal with this offender group have described the juvenile justice system as ineffectual in dealing with the more sophisticated juvenile offender. These concerns have been manifested in recent legislative initiatives calling for more punitive treatment of these and other juvenile law violators. In the absence of empirical research on effective policies and programming for violent/serious offenders, this legislation most often has been based on methods perceived to be successful rather than tested models and methods for dealing with perpetrators of serious crime.

Adequate programming for the violent/serious juvenile offender can no longer afford to be overlooked. It is incumbent upon the system to conduct a critical examination of this population in the near future and to develop specialized procedures and programs for working with these offenders. Effective treatment of serious delinquents will depend greatly on an initiative of this type.

Removal of Juveniles from Adult Jails and Lockups (Jail Removal)

The JJDP Act was amended to mandate the removal of juveniles from adult jails and lockups by 1985 in participating states. This radical provision was forged in an effort to curb problems associated with detaining juveniles in jails such as: physical and sexual abuse, suicide among juvenile inmates, isolation and recidivism. Since Wisconsin is subject to the federal removal mandate and problems as described are experienced in Wisconsin's jails also, jail removal is an objective that the state must seriously examine.

A jail removal initiative in Wisconsin must begin with a comprehensive examination of potential barriers to the effort. Design of alternative strategies and determination of the positive and negative ramifications of each strategy must follow. Implementation will depend on the development of a sound, feasible plan requiring reinforcing state legislation and the coordination of funding.

Deinstitutionalization of Juvenile Offenders

Jail removal will be possible only if the current emphasis on deinstitutionalization of status offenders and other offenders (those who do not need the restraints of secure confinement) is maintained. Although there has been an intense statewide effort in recent years to increase the range of services for juvenile offenders, many counties continue to lack needed non-secure alternatives to detention and are especially under-programmed in the area of services to offenders with special needs such as minorities, females, and the developmentally disabled. Future juvenile justice efforts then should continue to be directed towards the development of a network of services that reflects a broad range of effective options for troubled and troublesome youth.

Special Emphasis on Various Juvenile Offender Populations

Within the juvenile offender population there are groups of offenders whose needs are not adequately addressed by the juvenile justice system. These include: females, minorities, violent/serious juvenile offenders (see above), developmentally disabled offenders and those with learning disabilities. Due to different program emphases in the past, the special needs of offenders within these groups have been severely overshadowed. Combined with a lack of knowledge and expertise in working with individuals, this phenomenon has fostered a system with sparse programming for juveniles in these groups. With recent congressional emphasis on these offender groups, however, and new developments which aid identification of juveniles with special needs, the system can no longer responsibly ignore inadequacies of the system to program for these youngsters. The development and implementation of specialized programs for juveniles in the various categories should be the focus of juvenile justice improvement in the future.

Linkages to Crime Prevention

Through the concerted efforts of both the public and private sectors, a major crime prevention initiative is currently being launched in Wisconsin. This endeavor is an attempt to bring interested groups together to discuss crime prevention strategies and to cooperatively work towards the prevention of crime. One anticipated off-shoot of this initiative is an alliance between delinquency prevention and crime prevention programs in effect in the state. Another expected outcome is the development of programs which unite juveniles and elderly in crime prevention efforts. Since these are non-traditional relationships, creative approaches will be required to effect and maintain on-going linkages.

Volunteerism

Volunteers in the juvenile justice system have remained a relatively untapped resource throughout Wisconsin. Given the potential for rich benefits to service agencies, juveniles in the system and volunteers, this avenue for increasing resources to the system should be investigated and promoted. ACTION programs in several states have been particularly successful at linking elderly volunteers with juvenile facilities. Every effort to initiate and duplicate the success of these volunteer programs and others in juvenile justice should be made in the future.

Potential Effects of Budget Cuts

The JJDP Act has been a significant force in the development of Wisconsin's juvenile justice system. Juvenile justice funds distributed to Wisconsin have provided the resources essential for this state to critically examine its juvenile justice system, to design comprehensive plans for change and to effect systemwide improvements. Funds have also enabled the development of diverse system-supporting services and programs for juveniles, many of which would not have been implemented without outside financial assistance. The following list represents some of the potential effects on juvenile justice in Wisconsin if budget cuts were imposed:

- Research and specialized programming regarding the violent/serious juvenile offender would be severely limited;
- Progress toward the removal of juveniles from adult jails and lock-ups would be slowed, if not halted;
- Gains toward increasing deinstitutionalization of juvenile offenders in all counties would be impeded;
- Special emphasis on various categories of offenders with special needs, i.e. minorities, females, offenders with learning disabilities or developmental disabilities, would be sharply diminished;
- Research on effective dispositional alternatives for juvenile offenders and evaluation of these would be eliminated and ultimately effect programming in all regions of the state;
- Training of local and state juvenile justice professionals would be greatly reduced;
- Technical assistance to state agencies, local units of government, and local service providers interested in the improvement of any juvenile justice component--law enforcement, courts, corrections, aftercare--would be dramatically lessened or eliminated;
- Efforts in organized juvenile delinquency prevention and effecting linkages to state crime prevention efforts would be negatively affected.

It is clear to see that many planned future initiatives would not be realized if the federal juvenile justice budget is cut. The impact of this cut, while impairing activities at the state level, would most dramatically affect local juvenile justice operations because of their inabilities to generate generous revenues (especially rural counties). In addition to funds for new programs and maintenance of efforts, these localities would lose access to direly needed juvenile justice leadership provided by the state and federal governments.

JUVENILE JUSTICE FUNDS TO WISCONSIN

Wisconsin became eligible to receive federal juvenile justice funds when it entered the Juvenile Justice and Delinquency Prevention Act (JJDPA) in 1975. Formula Grants Funds, administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), have assisted Wisconsin in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, research, prevention, diversion, treatment and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system (see Past Accomplishments section). The total dollar amount awarded to Wisconsin since 1975 through the Formula Grant program is cited below.

Formula Grant Awards	
1975	$ 195,758
1976	517,032
1977	1,044,000
1978	1,604,000
1979	1,355,000
1980	1,350,000
1981	1,337,000
1982	876,000
TOTAL	$8,349,790

Wisconsin has also been a recipient of Discretionary/Special Emphasis funds made available through the JJDP Act. These funds, also administered by the OJJDP, have been used to address identified priorities and specific problem areas relating to juvenile delinquency and juvenile justice or to implement specific program models. To date, 11 Discretionary/Special Emphasis Grants have been awarded in Wisconsin to various state agencies, local units of government and private non-profit organizations. The amount and program focus of each award is listed below.

1976	$ 40,000	Building Juvenile Justice Planning and Administration Capacity (State Planning Agency)
1978	99,883	Residential Alternatives to Secure Detention
1978	312,061	Dane County Youth Restitution
1978	1,709,931	Wisconsin Juvenile Restitution
1979	177,700	Research on Rape
1979	208,033	Juvenile Justice Personnel Development
1979	290,768	Juvenile Justice System Improvement
1980	63,075	Legislative Technical Assistance
1980	736,348	Youth Advocacy
1980	539,778	Alternative Education
1981	1,156,015	Youth Employment
TOTAL	$5,333,592	

The following figures represent the amount of Law Enforcement Administration Association (LEAA) Part C (Crime Control) funds allocated to juvenile programs in the State of Wisconsin:

YEAR	AWARD AMOUNT/JJ	PERCENT OF PART C
1974	$1,702,461	14.79%
1975	$2,365,170	20.50%
1976	$3,971,880	34.00%
1977	$1,044,000	14.00%
1978	$2,135,472	34.32%
1979	$1,842,983	29.39%
1980	$1,547,610	27.92%

Total Part C Allocated to Juvenile Programs	$14,609,576
Grant Total	$26,292,958

JUVENILE CRIME ARREST DATA
Wisconsin, 1979-1980

The following statistics are based on data from the Wisconsin Department of Justice, Crime Information Bureau. They represent the percent of change in crime arrest rates per 100,000 juveniles in the population, 1979-1980. (The 1979 rates were based on an estimated juvenile population. The source for this estimate was the Demographic Services Center, Wisconsin Department of Administration. The 1980 rates were based on an actual juvenile population as determined by the 1980 Wisconsin Census.)

All Criminal Arrests*		- 1.3%
All Violent Crime Arrests**		- 5.9%
- Murder/Non-Negligent Manslaughter	-12.5%	
- Forcible Rape	- 9.8%	
- Robbery	- 2.4%	
- Aggravated Assault		
Crime Index, Property Crime Arrests***		
- Burglary	- 1.8%	
- Theft	+ .2%	
- Motor Vehicle Theft	-14.11%	
Other Juvenile Arrests		
- Arson	- 9.7%	
- Vandalism	- 6.8%	

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* Crime arrests considered under this category were those over which the juvenile court had original jurisdiction. Also, this did not include arrests for status offenses (non-criminal acts) and those that fell into an unidentified category (other offenses).

** Violent crimes include murder, non-negligent manslaughter, forcible rape, robbery, and aggravated assault according to the Uniform Crime Reporting (UCR) System.

*** Crime Index, Property Crimes include burglary, theft, motor vehicle theft according to the UCR System.

Juvenile justice strategies that have been employed to effect compliance with the JJDPA are:

1) Improved Diversion Mechanisms
Between 1977 and 1982, approximately 1.4 million juvenile justice dollars were budgeted for Juvenile Law Enforcement activities (i.e. Juvenile Officers, Police-School Liaison Programs), primarily to effect improved strategies for diverting juveniles from the juvenile justice system.

Additionally, the Wisconsin Juvenile Officers' Association, assisted by juvenile justice funds, developed the state's first set of policy guidelines for police who work with juveniles.

2) Court Intake Screening
As a result of revisions made in Wisconsin's Children's Code, each of Wisconsin's 72 county jurisdictions are required to establish a 24-hour detention screening mechanism. Between 1977 and 1979, the WCCJ allocated funds to assist in establishing this statewide capability.

3) Secure Detention Alternatives
Participation in the Juvenile Justice Act prompted the state to develop a range of non-secure, short-term detention alternatives for juveniles who did not require secure confinement while awaiting court appearance. These alternatives included home detention, group homes, foster care and shelter care programs.

Approximately one-third of Wisconsin's counties have established shelter care programs with juvenile justice fund assistance. Many are currently supported by state shelter care reimbursement funds initially placed in the 1977-79 Biennial Budget and then extended to the 1979-81 and the 1981-83 State Biennial Budgets.

4) Correctional Alternatives
Prior to 1977, juvenile correctional institutions in the State of Wisconsin consistently experienced severe overcrowding problems. It was estimated that approximately one-third of all juvenile correctional commitments were inappropriate. In addition, there was no full-time, systematic mechanism to screen commitments or to review treatment and program progress of juvenile institutional residents.

In 1977, the Juvenile Offender Review Program (JORP) was funded to assume responsibility for juvenile review and parole decision-making in the State of Wisconsin. Primary goals included reduction of institutional populations as well as reduction of the average length of stay for institutional residents. The impact of this program has not only been the diversion of inappropriate institutional placements but has also contributed greatly to the development of alternative correctional resources in the community such as group homes, a pre-release center, and a wilderness therapy program utilizing a behavior contract/release concept.

D) Discretionary Initiatives

Since 1976, the state has been awarded $5,333,592 in special emphasis discretionary funds. Examples of the impact achieved through these funds are as follows:

Wisconsin Juvenile Restitution Program

Twelve Wisconsin counties have participated in this program, utilizing varied program restitution models. As of December, 1981, $340,000 in restitution obligations had been ordered, with $200,000 returned to victims.

Juvenile Justice Training

The Youth Services Personnel Development Center was funded in 1976 to provide training for non-traditional community-based juvenile justice personnel (including foster home, group home, home detention, probation and intake, diversion, and volunteer staff). To date, approximately 2,500 individuals have been trained in 80 two- and three-day workshops and three statewide conferences.

Alternative Education

A grant was awarded to a Milwaukee agency to address the problem of rising school drop-out rates (42.5% increase between 1974 and 1979), an increase in suspension rates, and the disproportionate representation of minority youth impacted in the categories of school drop-outs, suspensions, expulsions, and truancies. This program, a cooperative initiative between the OJJDP and the Department of Labor, has also succeeded in developing stronger linkages between the business/labor/employment sectors and the public school system.

Youth Advocacy

Organized youth advocacy activities have been instrumental in effecting system change for youth in general, and particularly for those in contact with the juvenile justice system. Two statewide projects--the Wisconsin Association for Youth (WAY) and the Youth Policy and Law Center, Inc.--have had a profound impact on the quality of life for Wisconsin children and their families.

The single statewide project with the greatest over-all systemwide impact has been the Youth Policy and Law Center, Inc. This project, in focusing on the policies, practices and procedures of the three major systems impacting juveniles--juvenile justice, education, and social services--has provided a successful challenge to the system in many arenas, including successful litigation on conditions of correctional and detention confinement. Literally thousands of juveniles have been assured services and millions of dollars have been restored to the state budget due to the efforts of the Youth Policy and Law Center, Inc. Additionally, education and training on the Revised Children's Code has been provided to judges, law enforcement, legislators and other juvenile justice personnel as well as technical assistance on issues relating to secure detention practices.

The Wisconsin Association for Youth has modeled and implemented a comprehensive, statewide delinquency prevention model incorporating the concept of community development on the local level. On-site training and consultation has been provided to local decision-makers and young people in identifying the causes of delinquent behavior, and implementing strategies to alleviate this behavior. Additionally, young people throughout the state have been trained to participate on Boards, Advisory Committees and other arenas where decisions affecting their lives are being made.

E) Major state policy initiatives have been impacted by Wisconsin's participation in the Juvenile Justice Act. Several require closer examination:

1) Children's Code Revision
(Chapter 48 of Wisconsin's Statutes)

Efforts promoting the removal of status and non-offenders from secure detention culminated in the revision of Wisconsin's Children's Code in the spring of 1978. The most significant implications of the revision in light of the JJDP Act are those sections affecting detention. The Statutes enumerate criteria for taking a child into custody which establishes a presumption of release of a child to the parent, guardian, or legal custodian and adds new avenues for release such as responsible adults and runaway homes.

If the child is not released, the child must be taken to the intake worker who makes the determination to detain or not detain in a face-to-face interview with the child. The Statute sets forth the alternatives for holding children in custody and the criteria governing the use of those alternatives. In addition to alternatives for holding in custody (foster homes, detention centers and jails), the revised Statutes expands these alternatives to include in-home detention programs, the home of a relative, shelter care facilities and the home of persons not related to the child.

Section 48.208 specifies the criteria by which a child may be held in secure custody. Under the Revised Children's Code a child may only be held in secure custody if the child falls within one of the following categories:

a) "Probable cause exists to believe that the child has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away as evidenced by previous acts or attempts so as to be unavailable for a court hearing.

b) Probable cause exists to believe that the child is a fugitive from another state and there has been no reasonable opportunity to return the child.

c) The child consents in writing to being held in order to protect him or her from an imminent physical threat from another and such secure custody is ordered by the judge in a protective order.

d) Probable cause exists to believe that the child, having been placed in nonsecure custody by an intake worker under s.48.207 or by the judge or juvenile court commissioner under s.48.21(4), has run away or committed a delinquency act and no other suitable alternative exists.

e) Probable cause exists to believe that the child has been adjudged or alleged to be delinquent and has run away from another county and would run away from non-secure custody pending his or her return. A child may be held in secure custody under this subsection for no more than 24 hours unless an extension of 24 hours is ordered by the judge for good cause shown. Only one extension may be ordered by the judge."

The above criteria means that status offenders cannot be placed in a secure facility, except for status offenders who have been placed in non-secure custody and have run away.

In addition to the passage of the revised Children's Code, other legislation has been important in the area of removal of status and non-offenders from secure detention.

Wisconsin's biennial budgets have frequently included significant legislative actions regarding juveniles. The 1975-77 Budget Bill provided for closing two state juvenile institutions because of low populations--The Wisconsin School for Girls at Oregon and the Wisconsin Child Center at Sparta. The 1977-78 Budget Bill established the minimum age of delinquency at 12 years which has had an undetermined effect on both detentions and dispositions.

2) Community Youth and Family Aids Legislation

Prior to 1980, Wisconsin counties with limited social service budgets and minimal resources for community care of juveniles involved in the justice system were forced to transfer custody of these youth to state juvenile correctional institutions for "free" treatment. This resulted in a large proportion (33%) of inappropriate correctional placements.

The Community Youth and Family Aids Legislation was implemented to reverse this financial incentive to transfer custody to state corrections and to improve juvenile delinquency services at both the state and local levels.

There are two main phases to the Youth Aids program. The first, "capacity building", began in 1980 and provided grants to the counties to improve the quality and range of juvenile delinquency and related services. These grants provided one-time funding which allowed counties to build upon their existing program needs and capabilities.

The second phase involves a change in fiscal relations between the state and counties. Twenty-six million dollars previously placed in the state budget for correctional services were redistributed to counties based on a three-part formula:

- the county juvenile population (age 0-17);
- the average number of past county law enforcement apprehension of juveniles for Part I Crimes;
- the average number of past county juvenile correctional placements.

Beginning in 1980 for 10 pilot counties and January, 1981, for all counties, counties must now pay for state correctional services.

The result of this legislation has been a drastic reduction in overcrowded institutional populations and an improvement in local juvenile services capabilities.

One problem with the program is that no money was placed in the budget for program administration. Juvenile justice funds supported both program administration and training.

3) Supervision and Aftercare Services Initiative

Resultant changes in Wisconsin's juvenile delinquency service system necessitated the examination of issues brought about by the changes and the formulation of an implementation plan and strategy. The objectives of this initiative were to recommend options for providing probation/supervision and aftercare services to delinquent youth, to delineate policy alternatives, and to develop appropriate standards. Consultation services, technical assistance and training were made available to this initiative as a result of Juvenile Justice funds.

Significant improvements have been accomplished in Wisconsin's juvenile justice system as a result of the leadership and financial incentives made available under the Juvenile Justice Act. Many changes have been accomplished but most are still in transition. Continued support of this important legislation will insure that the maximum impact will yet be experienced.

May 10, 1982

The Honorable Ike Andrews
Chairman - House Subcommittee on
  Human Resources
2178 Rayburn Building
Washington, D.C. 20515

Dear Congressman Andrews:

Please find enclosed comments and concerns of the Juvenile Justice and Delinquency Prevention (JJDP) State Advisory Group from the State of Missouri. The statement is intended to express the viewpoints of the Missouri State Advisory Group on issues that will impact the JJDP Act program in Missouri.

The State Advisory Group for Missouri hopes these comments will receive your careful consideration and provide the House Subcommittee on Human Resources some additional information with which to base decisions influencing the future of the JJDP Act program.

Sincerely,

Lynn Lyss

Lynn Lyss
Chairman - Missouri State Advisory Group

LL/wv

Enclosure

Comments and Concerns of the Missouri State Advisory Group Regarding the JJDP Act Program

The State Advisory Group for Juvenile Justice and Delinquency Prevention in Missouri is concerned that the Juvenile Justice and Delinquency Prevention Act might be zeroed out of the FY 83 federal budget. The State Advisory Group is concerned because Missouri, since re-entry into the JJDP Act formula grant program in December of 1980, has made significant progress towards compliance to the Act's mandates of deinstitutionalization of status and non-offender youth and the separation of juvenile and adult offenders. Without the cooperation and coordination generated by participation in the JJDP Act, continued improvement of the juvenile justice system in these areas would be impeded in Missouri.

Since juvenile justice is a specialized and unique field, the State Advisory Group also believes OJJDP should be maintained as a separate entity within the Department of Justice. Maintaining OJJDP as a separate entity will promote continuity and provide the technical expertise necessary to assist states in their efforts to comply to the mandates of the Act.

The ability to provide direction and technical assistance is an important role of OJJDP. Therefore, the State Advisory Group for Missouri is somewhat apprehensive that the proposed reduction in force at OJJDP will result in a reduction or loss of expertise available to participating states. Such a loss could have a detrimental effect on efforts in Missouri to comply to the Act's mandates and jeopardize the chances of the state's continued participation in the formula grant program.

The State Advisory Group for Missouri recognizes the need to develop programs for the serious, chronic, violent juvenile offender. However, the Missouri State Advisory Group believes the Act should not emphasize this new initiative to the exclusion of other areas in juvenile justice, i.e., youth development, family counseling and other "front end" programs aimed at keeping children out of the system.

The JJDP Act has played a significant role in the improvement of the juvenile justice system in Missouri and the State Advisory Group in Missouri would again like to express support for its continuation. It is the hope of the State Advisory Group that the concerns and comments expressed will assist the House Subcommittee on Human Resources with decisions to be made regarding the future and structure of the JJDP Act program.

May 10, 1982

Representative Ike Andrews
2201 Rayburn House Office Building
Washington, D.C. 20510

Dear Representative Andrews:

As Chairperson of the Arizona Juvenile Justice Advisory Council, I would like to convey the Council's strong support for a $100 million FY 83 appropriation, as recommended by the House Subcommittee on Human Resources, for the Juvenile Justice and Delinquency Prevention Act.

Certainly, the states and local communities must take on increased programmatic and fiscal responsibilities. However, eliminating the only federal program equipped to deal with the non-criminal child as well as the violent youth would negatively impact the entire nation as society must bear the long-term costs of juvenile delinquency.

I urge you to consider the Council's recommendation and to continue to advocate for an appropriate funding level for the juvenile justice program.

Sincerely,

Janet Marcotte

Janet Marcotte
Chairperson
Arizona Juvenile Justice Advisory Council
1700 West Washington, 4th Floor
Phoenix, Arizona 85007

JM:jb

[From the Washington Post, Mar. 26, 1982]

EXCERPT FROM THE COLUMN OF MIKE CAUSEY, THE FEDERAL DIARY

This is the last day of work for about 25 Justice Department aides who have been reorganized out of their jobs by the phasing down of the Law Enforcement Assistance Administration. Because of their relatively high grades (about half are Grade 13 or above) each firing could cost Justice (that is, you) about $13,000 in severance, lump sum leave payments and unemployment benefits.

The American Federation of State, County and Municipal Employes local claims that Justice brass have done little to find other jobs for about-to-be-fired workers. Justice officials say they've done all they could.

Attorney Angelo V. Arcadipane, representing the local, has written the attorney general saying that the department may be violating the 1964 Civil Rights Act because of its failure to place women and minorities in other jobs. About half the people being fired are women and minorities.

[From the Washington Post, June 4, 1982]

IDAHO TORTURE-MURDER PROTESTED

BOISE, IDAHO.—More than 100 outraged citizens swarmed outside the Ada County Jail to protest the Memorial Day torture-murder of a 17-year-old boy imprisoned at the facility for failure to pay a traffic fine.

Janice Peterman, mother of Christopher Peterman, was the first to sign a petition urging a law prohibiting people from being jailed for nonpayment for minor traffic offenses. Her son was jailed for failing to pay less than $65 in traffic fines.

The jail was holding three of the five juveniles charged with first-degree murder in connection with Peterman's death for the Ada County Juvenile Detention Facility on unspecified charges, according to Sheriff E. C. (Chuck) Palmer.

Peterman died at a Boise hospital after about 4½ hours of being beaten, kicked and burned, allegedly by his five cellmates.

[From the Washington Post, June 3, 1982]

TORTURED YOUTH PLACED IN JAIL BY PARENTS

BOISE, IDAHO.—Christopher Peterman, 17, tortured and beaten to death in a county jail, had been placed there by his parents to face the consequences of failure to pay $60 in traffic fines, his mother said yesterday.

"We thought it would be a deterrent for him to take care of it on his own," Janice Peterman said.

"We had no idea it was going to turn out like this."

Peterman was beaten, kicked and burned with toilet paper between his toes for almost five hours before dying of brain damage Monday in what authorities called a "sadistic" slaying.

Officials said five 17-year-olds, all arrested for nonviolent crimes and two for traffic violations, were charged with first-degree murder and would be tried as adults.

Ada County Sheriff Chuck Palmer said that proper jail procedures were followed and that Peterman never called for help.

He said jailers checked the youths five times during that time and saw nothing unusual.

Leo McKeown, whose son Randall is among those charged, said Randall told him the attack began after Peterman called the five youths names.

Periodicals

WASHINGTON CRIME NEWS SERVICES'
juvenile justice digest
An Independent Summary of Significant News Events in the Field of Juvenile Delinquency Prevention

JUN 15 1982

"Custody Of Strangers"

TV DRAMA RE-ENACTED IN REAL LIFE ENDS IN TEEN'S DEATH

A few days after the ABC-TV Network aired the film, "In The Custody of Strangers," which dealt with the problems faced by juveniles who are placed in adult jails and lock-ups, a situation almost identical to that portrayed in the movie occurred in a county jail in Boise, Idaho.

However, in real life there was a different ending. While the 16-year-old boy jailed for drunkenness in the movie by parents who "wanted to teach him a lesson" survived to leave jail, the 17-year-old boy in Boise did not. He was beaten to death in the jail.

Fiction vs. Fact

"In The Custody of Strangers" focused on the estimated 479,000 juveniles who annually are detained in 8,833 adult jails and lockups.

"The characters in this drama are fictional, but the events are based on facts," a TV alert from the Cultural Information Service said.

Here are the facts from the real life of Christopher Peterman, 17, of Boise, who died in the Ada County Jail on Memorial Day.

Peterman was placed in the jail by his parents to face the consequences of failure to pay $60 in traffic fines, his mother said on June 2.

"As his parents, we thought it would be a deterrent for him to take care of it on his own," Janice Peterman said. "We had no idea it was going to turn out like this."

Christopher Peterman, who would have turned 18 this month, was beaten, kicked and tortured by having burning toilet paper stuck between his toes for almost five hours on May 31 in what the authorities called a "sadistic" slaying.

The attack is believed to have occurred at the hands of five other juvenile prisoners housed in a single cell.

Five Charged With Murder

Deputy Prosecutor Greg Bower of Ada County said the five 17-year-old youths were charged with first-degree murder and would be tried as adults. Before the attack they were all being held for nonviolent crimes, two of them for traffic violations.

Randall McKeown, Sean Matthews, Joseph Krahn and Richard Engie were arraigned on June 2 before Magistrate George Carey of Ada County. Arraignment for the first defendant Andy Anderson, was delayed until June 3 to allow him time to get a lawyer.

Magistrate Carey ordered the youths held in the Ada County jail without bond and set a preliminary hearing date for June 17.

Mrs. Peterman vowed to force officials to change jail procedures.

"It's not Chris' fault that they didn't do their job right," she said. "But he had to pay for it."

Sheriff Chuck Palmer said that proper jail procedures were followed and that the Peterman youth never called to jailers for help. He said jailers checked the youths five times over the five-hour period and saw nothing unusual.

Name	Grade	Action To Be Taken	Office Telephone Number
Watson, Barbara	9	Downgrade	724-7751
Dana, Michael	15	Separate	724-7752
Wood Doyle	13	Separate	724-8491
Steiner, P. E.	13	Downgrade	724-5914
Aserkoff, Robert	13	Separate	724-5929
Taylor, L. B.	7	Downgrade	724-5914
McKinney, V.	14	Separate	724-5922
Costin, K. P.	13	Separate	724-5914
Diaz, M.	13	Separate	724-5924
Walton, Constance R.	9	Downgrade	724-8493
Donahue, T.	13	Separate	724-5914
Geurtsen, F.	11	Separate	724-5929
Wolfson, M.	11	Separate	724-5929
Lehner, Sheldon	13	Separate	724-5914
Andrade, Sharon		Separate	724-5914

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.)
Plaintiffs)
v.) Civil Action No.
CHARLES A. LAUER, et al.)
Defendants)

APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Plaintiffs, by counsel, hereby move this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for a temporary restraining order, restraining defendants from separating or demoting plaintiffs from their positions at the Office of Juvenile Justice and Delinquency Prevention (hereafter, "OJJDP"), and from taking or effecting any other personnel actions which involve OJJDP personnel or positions, pending a hearing on plaintiffs' motion for a preliminary injunction on their claim that the reduction in force underway at the Department of Justice is unlawful. This application is made upon the verified complaint filed this day, the affidavits attached to plaintiffs' motion for a preliminary injunction, and the memorandum of points and authorities in support thereof.

Unless restrained by the Court, defendants will separate or demote 17 OJJDP employees from their positions on March 26, 1982, thereby causing irreparable injury for which there is no adequate remedy at law.

Defendants were notified through Mary E. Goetten, the trial attorney at the Department of Justice who has been assigned to represent defendants in this action, on Thursday, March 25, 1982, at approximately 1:15 p.m., that plaintiffs would present this motion for a temporary restraining order to the Court on Thursday, March 25, 1982, at or about 3.00 p.m.

WHEREFORE, it is respectfully requested that this application be granted and a temporary restraining order be entered in the form attached hereto.

Respectfully submitted,

John W. Karr,

Mona Lyons

Karr and Lyons
625 Washington Building
Washington, D.C. 20005
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.)
Plaintiffs)
v.) Civil Action No.
CHARLES A. LAUER, et al.)
Defendants)

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Plaintiffs hereby incorporate herein by reference the memorandum of points and authorities filed this day in support of plaintiffs' motion for preliminary injunction, together with the affidavits and exhibits attached thereto.

John W. Karr

Mona Lyons

Karr and Lyons
625 Washington Building
Washington, D.C. 20005
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE
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and

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and

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Arlington, Virginia 22206

and

TERRENCE S. DONAHUE
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Herndon, Virginia

and

SHELDON L. LEHNER
12825 Epping Terrace
Silver Spring, Maryland 20906

and

VERMONT R. McKINNEY
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and

SCARLET PARHAM
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and

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RONALD C. LANEY
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and

EMILY C. MARTIN
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Civil Action No.

and)

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and)

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and)

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and

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and)

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and)

DOUGLAS C. DODGE
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and)

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Arlington, Virginia 22205

and)

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and)

JOHN VEEN
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Arlington, Virginia 22901

and)

PAUL J. WAHLBERG
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and)

DAVID D. WEST
7916 Narcissus Court)
Springfield, Virginia 22152

and)

DEBORAH A. WYSINGER
43 U Street, N.E.)
Washington, D. C. 20002

Plaintiffs,)

v.

CHARLES A. LAUER)
Acting Administrator
Office of Juvenile Justice and
Delinquency Prevention)
633 Indiana Avenue, N. W.
Washington, D. C. 20531)

and

OFFICE OF JUVENILE JUSTICE AND)
DELINQUENCY PREVENTION
633 Indiana Avenue, N.W.)
Washington, D.C. 20531
)
and
)
ROBERT F. DIEGELMAN
Acting Director)
Office of Justice Assistance, Research
and Statistics)
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Washington, D.C. 20531)

and)

OFFICE OF JUSTICE ASSISTANCE,)
RESEARCH AND STATISTICS
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Washington, D.C. 20531
)
and
)
WILLIAM FRENCH SMITH
Attorney General)
United States Department of Justice
9th Street and Constitution Avenue, N.W.
Washington, D.C. 20531
)
and
)
UNITED STATES DEPARTMENT
OF JUSTICE)
9th Street and Constitution Avenue, N.W.
Washington, D.C. 20531)

Defendants)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, OR ALTERNATIVELY, FOR RELIEF IN THE NATURE OF MANDAMUS

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. Sec. 1331(a).

2. Plaintiffs Andrade, Costin, Diaz, Donahue, Lehner, McKinney, Steiner, Walton and Wood are employees of defendant Office of Juvenile Justice and Delinquency Prevention who will be separated or demoted as a result of reduction in force on March 26, 1982.

3. Plaintiffs, Cain, Dorn, Martin, Rendelson, Sanders, Santonastasso, Tatem, Thomas, Veen, Whalberg, West and Wysinger are employees of the Office of Juvenile Justice and Delinquency Prevention who will be separated or demoted as a result of a reduction in force on or before September 30, 1982. Plaintiffs Allen-Hagen, Dodge, Johnson, Laney, Parham, Porpotage and Sutton are employees of the Office of Juvenile Justice and Delinquency Prevention who may be separated or demoted as a result of a reduction in force on September 30, 1982, or at some later date.

4. Defendant Charles A. Lauer is the Acting Administrator of the Office of Juvenile Justice and Delinquency Prevention. Defendant Lauer has occupied that position in an acting capacity since February, 1981.

5. Defendant Office of Juvenile Justice and Delinquency Prevention (hereinafter, "OJJDP") is an agency of the United States Department of Justice created by the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, 88 Stat. 1109 (1974), as amended by the Juvenile Justice Amendments of 1977, P. L. 95-115, 91 Stat. 1048 and the Juvenile Justice Amendments of 1980, P. L. 96-509, 94 Stat. 2750 (42 U.S.C. Sec. 5601, et seq.). The statutory missions of OJJDP are, inter alia,"... to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency,including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention." (42 U.S.C. 5602;) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act, as amended, provides that the head of OJJDP be an administrator who shall be nominated by the President by and with the advice and consent of the Senate; Sec. 201(a) provides that the "Administrator shall administer the provisions of the Act through the Office;"and Sec. 201(d) states that the OJJDP Administrator "shall exercise all necessary powers, subject to the general authority of the Attorney General." More specifically, the Administrator is authorized by Sec. 201(d) "to prescribe regulations for, award, administer, modify, extend, terminate monitor, evaluate, reject, or deny all grants and contracts from, and application for, funds made available..." (42 U.S.C. 561;) With respect to personnel matters, Section 202(a) of the statute authorizes the OJJDP Administrator "to select, employ and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions ." (42 U.S.C. 5612;)

6. Defendant Robert F. Diegelman is the Acting Director of the Office of Justice Assistance, Research and Statistics. Defendant Diegelman has occupied that position in an acting capacity since July, 1980.

7. Defendant Office of Justice Assistance, Research and Statistics (hereinafter, "OJARS") is an agency of the United States Department of Justice created by the Justice System Improvement Act of 1979, P. L. 96-157, 93 Stat. 1167 (42 U.S.C. 3701). Pursuant to the Juvenile Justice Act, OJARS is required to "directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to Section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968." (42 U.S.C. 5672.) Section 801(a) of the Justice System Improvement Act provides that "[t]he chief officer of the Office of Justice Assistance, Research and Statistics shall be a Director appointed by the President by and with the advice and consent of the Senate;" Section 801(b) provides that OJARS "shall directly provide staff support to, and coordinate the activities of, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration." (42 U.S.C. 3781.)

8. Defendant William French Smith is the Attorney General of the United States and has general authority over OJJDP and OJARS.

9. Defendant United States Department of Justice is an executive department of the federal government.

10. On June 16, 1981, the Justice Management Division of the Justice Department issued Order DOJ 1351.1B establishing "competitive areas" for departmental reductions in force. By its terms, the order "applies to all offices, boards, divisions and bureaus of the Department including all field offices." For purposes of the order, the term "bureau" is defined as referring "collectively to the Law Enforcement Assistance Administration, the Office of Justice Assistance, Research and Statistics, the Bureau of Justice Statistics, the National Institute of Justice, and

the Office of Juvenile Justice and Delinquency Prevention." The order provides that "[t]he entire headquarters organization of each office, board, division and bureau are separate competitive areas."

11. The regulations of the Office of Personnel Management (hereinafter, "OPM") require that each agency "establish competitive areas in which employees compete for retention." 5 C.F.R. 351.402(a). The regulations further provide that "[t]he standard for a competitive area is that it include all or that part of an agency in which employees are assigned under a single administrative authority." 5 C.F.R. 351.402(b). Pursuant to the regulations an agency "may establish a competitive area larger than one that meets the standard...". 5 C.F.R. 351.402(c).

12. The Federal Personnel Manual notes that [t]he authority to take personnel actions is usually one factor in the extent of the competitive area," and that [a]n agency's different activities, although located side by side, may be separate competitive areas if each is: (1) under a separate administrative authority; (2) independent of the others in operation, staff, work functions, and personnel administration; and(3) separately organized and clearly distinguished from the others." Federal Personnel Manual, Chapter 351, "Reduction in Force," Subchapter 2, Section 2-2(b).

13. OPM regulations also require that "[e]ach agency shall establish competitive levels consisting of all positions in a competitive area and in the same grades or occupational level which are sufficiently alike in qualification requirements, duties, responsibilities, pay schedules, and working conditions, so that an agency may readily assign the incumbent of any one position to any of the other positions without changing the terms of his appointment or unduly interrupting the work program." 5 C.F.R. 351.403(a).

14. The Federal Personnel Manual defines "undue disruption" as a "degree of interruption that would prevent the completion of required work within the allowable limits of time and quality." Federal Personnel Manual, Chapter 351, "Reduction-In Force," Subchapter 2, Section 2-3a(1). With respect to qualifications considerations in competitive level determinations, the manual states that "the concern is not with the qualifications an employee possesses but with the qualifications required by the duties and responsibilities of the position as stated in the official position description." Section 2-3a(2).

15. On December 3, 1981, each of the 61 employees in OJJDP received a "Notification of Reduction in Force" from defendant Diegelman, that Director of OJARS. Each notice stated that "[b]ecause of severe budget limitations and the resulting need for a major restructuring of the JSIA agencies, it will be necessary to conduct a reduction in force...." The notice further provided that "[a]t this time we do not know whether you will be able to remain in your present position, or if some other action will affect your employment."

16. The reduction in force referred to in defendant Diegelman's notice was not necessitated by any "budget limitations" or "restructuring" of OJJDP. No positions at OJJDP will be abolished as a result of the reduction in force, and none of the agency's functions will change.

17. The reduction in force was precipitated by the Justice Department's decision to terminate the activities of the Law Enforcement Assistance Administration (hereinafter "LEAA") and to transfer some of its functions to the other three entities created by the Justice Systems Improvement Act of 1979–defendant OJARS, the Bureau of Justice Statistics and the National Institute for Justice.

18. In order to accommodate the termination of LEAA activities, the Justice department determined that Order DOJ 1351.1B required that OJJDP be included in the same "competitive area" as the four JSIA agencies for the purpose of a reduction in force. Defendant OJARS later determined that virtually all OJJDP professional positions were interchangeable with LEAA professional positions for purposes of establishing "competition levels" for a reduction in force.

19. On February 23 and 24, 1982 specific reduction in force notices were issued to 17 employees of OJJDP, including 10 of the plaintiffs. Twelve of the 17 OJJDP employees were informed that they would be separated from the agency on March 26, 1982; five employees were informed that they would be removed from their positions and demoted on that same date.

20. The employees who will be assigned to replace those plaintiffs who will be separated or demoted on March 26, 1982 are currently employees of LEAA and OJARS The official position descriptions for the positions currently occupied by those new employees do not require them to have any experience or training in the treatment and

prevention of juvenile delinquency. The official position descriptions for the non-clerical positions those employees will be assigned to in OJJDP as a result of a reduction in force do require the incumbents to have such experience.

21. In order to accommodate the abolishment of the positions of those employees who are responsible for concluding LEAA activities in the next few months, additional separations and demotions will displace as much as 90% of the OJJDP staff by September 30, 1982. The LEAA professional employees who will be assigned to OJJDP at that time will not be required to have experience or training in the prevention or treatment of juvenile delinquency as a prerequisite to their employment at OJJDP.

22. The separations and demotions of OJJDP personnel and their replacement by LEAA employees will immediately and irreparably disrupt the ongoing programs of OJJDP.

23. The reduction in force being implemented by defendants violates the unique congressional grant of autonomy to OJJDP; thwarts the purposes of the Juvenile Justice and Delinquency Prevention Act; violates OPM regulations; is arbitrary capricious and an abuse of discretion; and is null and void under the Vacancies Act of 1868, as amended, 5 U.S.C. 3345-3349 (1970) and Article II, Section 2 of the United States Constitution.

WHEREFORE, plaintiffs ask that the Court:

1. Declare the reduction in force to be unlawful and in violation of Sections 201 and 202 of the Juvenile Justice and Delinquency Prevention Act and 5 C.F.R. 351.401, et seq., and arbitrary, capricious and an abuse of discretion;

2. Enjoin defendants from including OJJDP personnel or positions in a "competitive area" or "competitive levels" with the personnel or positions of other agencies of the United States Department of Justice for purposes of a reduction in force; and

3. Alternatively, issue an order compelling defendants to establish OJJDP as a separate competitive area for purposes of a reduction in force; and

4. Declare defendants' Lauer and Diegelman to be unlawfully occupying their positions and their actions to be null and void pursuant to the Vacancies Act of

1868, as amended, 5 U.S.C. 3345-3349 (1970) and Article II, Section 2 of the United States Constitution; and

5. Enjoin defendants Lauer and Diegelman from taking any personnel actions as the respective heads of OJJDP and OJARS; and

6. Award such other and further relief as the nature of the case may require.

SHARON ANDRADE

KATHERINE P. COSTIN

MONSERRATE DIAZ

TERRENCE S. DONAHUE

SHELDON L. LEHNER

Vermont R. McKinney
VERMONT R. McKINNEY

Scarlet Parham
SCARLET PARHAM

PAUL E. STEINER

RONALD C. LANEY

EMILY C. MARTIN

FRANK PORPOTAGE

KIM RENDELSON

CATHERINE P. SANDERS

MARY SANTONASTASSO

RICHARD A. SUTTON

BARBARA A. TATEM

FREIDA A. THOMAS

Constance R. Walton
CONSTANCE R. WALTON

Doyle Wood
DOYLE WOOD

BARBARA ALLEN-HAGEN

TRAVIS ANN CAIN

Douglas C Dodge
DOUGLAS C. DODGE

ROBERT DORN

Timothy J. Johnson
TIMOTHY J. JOHNSON

John Veen
JOHN VEEN

Paul J. Wahlberg
PAUL J. WAHLBERG

David D. West
DAVID D. WEST

Deborah Wysinger
DEBORAH A. WYSINGER

DISTRICT OF COLUMBIA, SS:

I, Susan Sween Leary, a Notary Public in and for the District of Columbia, do hereby certify that there appeared before me the plaintiffs in the instant case and each, being first duly sworn on oath according to law, stated that he/she has read the foregoing Complaint by him/her subscribed, and that the contents thereof are true to the best of his/her knowledge, information and belief.

GIVEN, under my hand and seal this 25th day of March, 1982.

Susan S. Leary
NOTARY PUBLIC

My Commission Expires May 31, 1983

KARR & LYONS

Mona Lyons

John W. Karr
John W. Karr

Attorneys for Plaintiffs
625 Washington Building
Washington, D. C. 20005
737-3544

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.)
Plaintiffs)
v.) Civil Action No.
CHARLES A. LAUER, et al.)
Defendants)

MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, by counsel, hereby move the Court for a preliminary injunction enjoining defendants from separating or demoting plaintiffs from their positions at the Office of Juvenile Justice and Delinquency Prevention and from taking any other personnel action affecting existing positions or personnel within that agency for the reasons that the reduction in force underway at the Department of Justice is in violation of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, is contrary to regulations of the Office of Personnel Management and is unlawful pursuant to the Vacancies Act of 1868, as amended, and Article II, Section 2 of the United States Constitution. Unless defendants are so enjoined, plaintiffs will suffer irreparable injury and harm and will be without an effective remedy at law to redress such injury. In support of this motion, plaintiff relies on the five affidavits annexed hereto, the accompanying memorandum of points and authorities, and the verified complaint filed in this action.

Respectfully submitted,

John W Karr

John W. Karr

Mona Lyons

Karr and Lyons
625 Washington Building
Washington, D.C. 20005
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Preliminary Injunction, Memorandum of Points and Authorities, Affidavits and Exhibits, and proposed Order, were hand-delivered this 25th day of March, 1982, to John J. Wilson and Robert Gorman, Office of General Counsel, Office of Justice Assistance, Research and Statistics, 633 Indiana Avenue, N.W., Washington, D.C. 20001, and to Mary Goetten, United States Department of Justice, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20531.

Mona Lyons

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.	)	
Plaintiffs	)	
v.	)	Civil Action No.
CHARLES A. LAUER, et al.	)	
Defendants	)	

AFFIDAVIT OF DAVID D. WEST

DISTRICT OF COLUMBIA, ss:

I, David D. West, being first duly sworn on oath according to law, do state:

1. I am the director of the Formula Grants and Technical Assitance Division of the Office of Juvenile Justice and Delinquency Prevention ("OJJDP"). I have occupied that position since July, 1975, except for a period of nine months during which I served as the Acting Administrator of OJJDP.

2. I have been employed in the juvenile delinquency and youth service field for 22 years. Prior to assuming my current position at OJJDP, I served as the Special Assistant to the Commissioner for Training and Technical Assistance in the Office of Youth Development at the U. S. Department of Health, Education and Welfare and as federal project officer to programs with inner-city youth groups. I have also occupied positions in California as a Law Enforcement consultant, a juvenile Institition Parole Agent, and a Community Treatment Parole Agent. Prior to my experiences in California, I was a Probation and Parole Officer for the State of Ohio.

3. The Formula Grants and Technical Assistance Division of OJJDP has an annual budget of approximately $50 million dollars and a staff of 25 professional and clerical employees.

EXHIBIT A

4. In accordance with Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the Formula Grants division is responsible for "grants to states and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system." The statute requires that states which apply for formula grants submit plans describing how federal funds will be utilized in their jurisdictions, and providing details concerning compliance with legislative mandates such as the deinstitutionalization of non-criminal children, the separation of adults and juveniles in confinement, the removal of juveniles from adult jails and lock-ups, the development of community-based prevention and treatment programs and the management of juveniles who have committed serious crimes or are members of gangs.

5. The division's Technical Assistance Program is designed to make available to states, localities and other interested organizations the knowledge and expertise of juvenile justice and management experts concerning the successful development and implementation programs that show promise for the prevention and reduction of juvenile crime.

6. In my experience, the key to administering the OJJDP formula grant and technical assistance program effectively has been the establishment and maintenance of cooperative working realtionships between the the OJJDP professional staff and the juvenile justice specialists in the states. Such relationships require expert knowledge on the part of the OJJDP staff of both the juvenile justice system and youth service agencies, as well as the legal, organizational and political structures unique to each state. Without such knowledge, OJJDP cannot adequately assist the states in their efforts to implement the Juvenile Justice Act, and cannot ensure that the specific mandates of the statute will be advanded or met.

7. The official position descriptions for each of the professional positions in the Formula Grants and Technical Assistance Division require applicants to have extensive experience and expertise in the field of juvenile delinquency. Such experience has always been required in recruitment efforts for division personnel.

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8. All of the current staff serving in professional positions in the division fully satisfy the experience and qualifications requirements set forth in the official position descriptions.

9. On December 3, 1981, each of the employees in my division, including myself, received a "Notification of Reduction in Force" from Robert F. Diegelman, the Acting Administrator of the Office of Justice Assistance, Research and Statistics ("OJARS"). Each notice stated that "[b]ecause of severe budget limitations and the resulting need for a major restructuring of the JSIA agencies, it will be necessary to conduct a reduction in force...." The notice further provided that "[a]t this time we do not know whether you will be able to remain in your present position, or if some other action will affect your employment."

10. The reduction in force ("RIF") referred to in Mr. Diegelman's notice was not necessitated by any "budget limitations" or "restructuring" of OJJDP. No positions at OJJDP will be abolished as a result of the RIF and none of the agency's functions will change.

11. The RIF of OJJDP employees was precipitated by the decision to terminate the activities of LEAA and to transfer some of its functions to the other three entities created by the Justice Systems Improvement Act of 1979 ("JSIA"), OJARS, the Bureau of Justice Statistics ("BJS") and the National Institute for Justice ("NIJ").

12. In order to accommodate the termination of LEAA activities, the department ordered that OJJDP be included in the same "competitive area" with the four JSIA agencies for the purpose of a RIF; OJARS later determined that virtually all OJJDP professional positions were interchangeable with LEAA professional positions for purposes of establishing "competition levels" for a RIF. As a result of these decisions, the RIF will result in the replacement of OJJDP personnel by individuals who have more government service but no experience in the prevention or treatment of juvenile delinquency and youth services.

13. Subsequent to the issuance of the general RIF notices, I notified both Mr. Diegelman and the Acting Administrator of OJJDP, Charles A. Lauer,

of my concerns that implementation of the reduction in force as structured would devastate the operations of my division and that "if the RIF is completed as OJARS plans, the senior division policy, planning and technical assistance staff will be inexperienced, untrained and unfamiliar with the OJJDP program."

14. In response to my concerns, I was informed that the RIF would proceed as planned.

15. On February 24, 1982, specific notices of separation were issued to 17 OJJDP employees, including eight professional and two clerical employees in my division. The effective date of the scheduled separations and demotions is March 26, 1982.

16. With respect to future personnel actions, Mr. Ralph Muros, the Justice Department's Administrator for Support Operations, advised OJJDP at a meeting in January, 1982 which I attended, that additional terminations are expected to displace a total of 90% of the OJJDP staff by September 30, 1982.

17. The separations of division personnel on March 25, 1982 will immediately and irreparably disrupt the division's evaluations of the three-year state plans which are currently being submitted and reviewed.

18. The personal qualifications statements and current position descriptions of the employees designated to replace division personnel on March 26, 1982 indicate that none have experience or training in the prevention or treatment of juvenile delinquency or in the complex programmatic and legal requirements of the Juvenile Justice Act.

19. Based on my review of the qualifications of the employees who will replace division staff, I have concluded that the immediate statutory responsibilities of the division cannot be met if the first phase of the RIF proceeds as planned and future personnel actions displacing qualified and experienced staff will effectively destroy the operations of the divisions.

David D. West

David West

Subscribed and sworn to before me this 23rd day of March, 1982.

Notary Public

My Commission Expires May 31, 1983

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.)
Plaintiffs)
v.) Civil Action No.
CHARLES A. LAUER, et al.)
Defendants)

AFFIDAVIT OF EMILY C. MARTIN

DISTRICT OF COLUMBIA, ss:

I, Emily C. Martin, being first duly sworn on oath according to law, do state:

1. I am the Director of the Special Emphasis Division of the Office of Juvenile Justice and Delinquency Prevention ("OJJDP"). I have occupied the position of division director since 1974, the year in which the Juvenile Justice and Delinquency Prevention Act was originally enacted.

2. Prior to my seven years of service at OJJDP, I had spent an additional eleven years managing programs concerning juvenile delinquency, the juvenile justice system and the major youth services systems. My professional experience has included four years of developing and managing juvenile delinquency prevention, treatment and control programs for Chicago's official delinquency prevention agency, the Chicago Commission on Youth Welfare; three years as director of staff development for a comprehensive public welfare department in Cincinnati, Ohio, training personnel who staffed the county's two juvenile training schools for adjudicated delinquents, its protective services staff who provided services to abused and neglected youth, and its AFDC caseworkers who provided assistance to youth and their families; three years with Chicago's largest private youth services agency, United Charities of Chicago, providing counselling to adolescents under the supervision

EXHIBIT B

of the court, in contact with the police, or in conflict with families and school officials; and one year directing an HEW funded project which evaluated consumer perceptions and use of 15 youth services programs in seven cities and three migrant streams.

3. The division of OJJDP which I direct has had an annual budget of between $10 and $42 million and a staff allocation of approximately 20 positions.

4. Pursuant to Section 224 of the Juvenile Justice Act, the Special Emphasis division has the responsibility to develop and implement grant programs which test and demonstrate new approaches for the prevention and treatment of juvenile delinquency in six major areas:

(a) Programs which provide community based alternatives to the incarceration of youth through strategies such as diversion, restitution, community arbitration and alternative sentencing;

(b) Programs which prevent unwarranted and arbitrary suspensions and expulsions by schools, provide employment for youth, and improve the responsiveness of youth serving agencies to high risk youth;

(c) Programs which improve the functioning of the juvenile justice system through standards of due process;

(d) Advocacy programs which seek to stimulate and facilitate needed changes and enhanced accountability within the juvenile justice system and those youth services delivery systems which critically affect the lives of youth;

(e) Programs which prevent and control violent and serious youth crime; and,

(f) Improvement of the capacity of public and private youth serving agencies to respond more effectively to the needs of youth.

5. During the past seven years, the Special Emphasis division has funded numerous national program initiatives involving millions of dollars, hundreds of jurisdictions and thousands of youth. Each such program has been designed and implemented to translate into programmatic dimensions the specific goals of the Juvenile Justice Act. The effective development, implementation and evaluation of such program efforts requires a professional staff with both theoretical and practical knowledge of historical and present day concepts and practices related to the prevention

of juvenile crime and the rehabilitation of youthful offenders; specific knowledge of various juvenile codes and juvenile court practices and procedures in a range of jurisdictions; and familiarity with both the social problems of juveniles and the resources of public and private youth service agencies in various states and localities.

7. The Special Emphasis division is staffed by a division director (GS-15); two branch chiefs (GS-13/14); five senior program specialists who serve as program mangers for national program initiatives (GS-12/13); six program specialists who monitor discretionary grant programs (GS-11/12, GS-9/11); two program assistants (GS-7/9); one program analyst; and three clerical staff.

8. The official descriptions for each of the professional positions in the division at a GS-11 level or above required (before OJJDP was forced to accept persons from within another agency of the Department of Justice, the Law Enforcement Assistance Administration ("LEAA")) extensive specialized experience. in the prevention and treatment of juvenile delinquency and youth services. Such experience, which has uniformly been required during my seven year tenure at OJJDP, is an essential baseline to the effective functioning of the division.

9. All of the current division staff serving as branch chiefs and managers have experience which fully satisfies the requirements of the official position descriptions.

10. On December 3, 1981, each of the employees in my division, including myself, received a "Notification of Reduction in Force" from Robert F. Diegelman, the Acting Administrator of the Office of Justice Assistance, Research and Statistics ("OJARS"). Each notice stated that "[b]ecause of severe budget limitations and the resulting need for a major restructuring of the JSIA agencies, it will be necessary to conduct a reduction in force...." The notice further provides that "[a]t this time we do not know whether you will be able to remain in your present position, or if some other action will affect your employment."

11. The reduction in force ("RIF") referred to in Mr. Diegelman's notice was not necessitated by any "budget limitations" or "restructuring" of OJJDP. No positions at OJJDP will be abolished as a result of the RIF and none of the agency's functions will change.

12. The RIF of OJJDP employees was precipitated by the decision to terminate the activities of LEAA and to transfer some of its functions to the other three entities created by the Justice Systems Improvement Act of 1979 ("JSIA"), OJARS, the Bureau of Justice Statistics ("BJS") and the National Institute for Justice ("NIJ").

13. In order to accommodate the termination of LEAA activities, the department ordered that OJJDP be included in the same "competitive area" with the four JSIA agencies for the purpose of a RIF; OJARS later determined that virtually all OJJDP professional positions were interchangeable with LEAA professional positions for purposes of establishing "competition levels" for a RIF. As a result of these decisions, the RIF will result in the replacement of OJJDP personnel by individuals who have more government service but no experience in the prevention or treatment of juvenile delinquency and youth services.

14. Subsequent to the issuance of the general RIF notices, I notified both Mr. Diegelman and the Acting Administrator of OJJDP, Charles A. Lauer, of my concern that "[t]he impact of the RIF in progress, if it proceeds as structured, will have an irreparable and devastating impact upon the continuity of programs managed by the Special Emphasis Division." My memorandum further noted:

> By conservative calculation, out of a Division of eighteen professionals and three clericals, we will only retain four professionals and no clericals in the first phase of the RIF. In the second phase, projected for September, the Division will only retain two professionals. These staff are being replaced by persons who have no background or experience in juvenile justice or youth programs.

15. In response to the concerns I raised, I was informed that the RIF would proceed as planned.

16. On February 23 and 24, 1982, specific notices of separation or demotion were issued to 17 OJJDP employees, including one Branch Chief, three program managers, two program specialists, and two clerical employees of my division. (The separation notices to one program manager and one clerical employee were later rescinded). The effective date of the scheduled separations and demotions is March 26, 1982.

17. With respect to future personnel actions, Mr. Ralph Muros, the Justice Department's Administrator for Support Operations, advised OJJDP employees in January , 1982, at a meeting which I attended, that "there will definitely be another RIF at OJJDP in September, 1982." The activities of the LEAA "Close-Out Task Force" will be fully terminated in August, 1982, and the LEAA employees whose positions will be abolished at that time are predominantly senior grade veterans who will "bump" the remainder of OJJDP's managerial and professional staff. As a result of those personnel actions, it is my conclusion that not a single professional in the Special Emphasis Division will remain in his or her present position and the division will experience a complete staff turnover at the management level.

18. If it proceeds as planned, the RIF will have an immediate and irreparable effect on the implementation of the division's major national initiatives which are at critical developmental stages, and which are currently managed by employees who will be separated from OJJDP on March 26, 1982. The later replacement of virtually all of the senior staff of the division will result in the total loss of seven years of experience in implementation of the Juvenile Justice Act.

19. In its mandate "to develop new approaches, techniques and methods with respect to juvenile delinquency programs," Section 224(a) of the Juvenile Justice Act assumes that the persons employed by the Special Emphasis Division will have the necessary qualifications in the field of juvenile delinquency to perform the work required by the statute. Based on my experience as the director of the Special Emphasis Division and my review of the qualifications of the employees who will be assigned to replace the division staff, I have concluded that the requirements of Section 224(a) cannot be met if the RIF proceeds.

EMILY C. MARTIN

Subscribed and sworn to before me this 22 day of March, 1982.

Notary Public

My Commission Expires May 31, 1983

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

STATE OF ARIZONA)
) ss.
County of Maricopa)

MICHAEL J. DALE, being first duly sworn, deposes and says that:

1. I am an attorney duly admitted to practice law in the states of Arizona, New Mexico, and New York and before the United States Supreme Court and the Second, Ninth and Tenth Circuit Courts of Appeal.

2. I make this Affidavit in support of an application for a temporary restraining order and preliminary injunction which I understand is to be filed shortly in this court by certain employees of the Office of Juvenile Justice and Delinquency Prevention, United States Justice Department.

3. It is my understanding that the prospective litigation by these employees is directed at the determination of the Justice Department to terminate certain employees at this agency through a reduction in force, and replace them with other federal employees.

4. Upon information and belief, approximately 15 individuals will be separated from the agency on March 26, 1982 and that additional separation of professional employees and staff are expected to occur before the end of the current Federal fiscal year.

5. Based upon my professional experience as described in the following paragraphs and for the specific reasons annunciated

EXHIBIT C

hereinafter, the reduction in force, if carried out, will in my opinion, have serious, continuous, grievous, and irreparable effects detrimental to the interests of juveniles throughout the United States.

6. From 1974 to 1980, I was an attorney employed in agencies receiving grants from the Office of Juvenile Justice and Delinquency Prevention pursuant to the Juvenile Justice and Delinquency Prevention Act.

7. More specifically, from 1974 to 1978, I was an attorney in the special litigation unit of the Legal Aid Society of the city of New York, responsible for administrative, legislative, and litigation advocacy aimed at protection of the rights of young people in the New York juvenile justice system including advocating compliance by the state of New York with the Juvenile Justice and Delinquency Prevention Act. During this period, I was involved in activities which resulted in the closing of the New York State Training Schools which housed incorrigibles and runaways - known in New York as Persons in Need of Supervision (PINS).

8. From 1978 to 1980, I was the Director of the Juvenile Justice Legal Advocacy Project of the Youth Law Center, San Francisco, California, a grantee of the Office of Juvenile Justice and Delinquency Prevention, responsible for legal advocacy on behalf of young people in a number of states seeking to require implementation of the Juvenile Justice and Delinquency Prevention Act.

9. During this period, I had occasion to deal with many of the employees of the Office of Juvenile Justice, grantees in

approximately 20 states, to attend meetings throughout the country, to lecture, evaluate, and provide technical assistance regarding the deinstitutionalization of status offenders and separation of alleged and adjudicated juvenile delinquents from adults in jails. At the same time, I was in virtually continuous daily contact with employees of the Office of Juvenile Justice. We spoke by phone, corresponded, and attended a variety of meetings at which we sought together to effectuate the intent of the Federal act. Examples of our efforts included negotiations with State and local officials and provision of technical assistance in the form of architectural, psychiatric, educational, structural recreational, economic, and legal services and expertise.

10. Together with these employees of the agency, I was able to convince State and local officials to change policies on the institutionalization of status offenders, to separate juvenile delinquents from adults in detention and jail facilities, to reduce the numbers of delinquents incarcerated, to improve conditions of confinement, to develop alternative methods to institutionalization, to develop pre-delinquency diversion programs, to find jobs for youth, and to make safer educational environments.

11. By virtue of my work with the employees of the agency, it became clear to me that they manifest a body of experience, generally resulting from their prior experience in the juvenile justice field combined with their more recent activities on behalf of the agency, which is essential to adequate implementation of the Federal law.

12. Based upon my interaction with them, it has also

become clear to me that they have a full and complete understanding of the complexity and unique nature of the American juvenile justice system. Those people with whom I worked at the agency were aware of the vast variety of juvenile codes in the 50 states, even including the nuances of practice in juvenile courts in different parts of a particular state. These same employees were conversant with both the variety of youth assistance agencies in the states and the theoretical modalities for such services described in the literature in this country.

13. Furthermore, it became clear to me that they were aware of the vast differences between the juvenile justice system and the adult criminal justice system. Their knowledge is particular to the juvenile justice system. They were always careful not to make the grievous error of applying adult criminal justice concepts, policies, values, and legal principles to the juvenile justice system.

14. There will be an immediate and negative impact upon these juveniles in the various states on whose behalf implementation of the Act is intended, if these employees are terminated. For example, State plans such as Arizona's are currently being formulated with the direct assistance and knowledge of the OJJDP staff to solve the problem of sight and sound separation of juveniles and adults and deinstitutionalization of adults. The State officials lack the expertise and knowledge to develop the plan alone. Grantee organizations with whom I am familiar in Arizona, New Jersey, Kentucky, California, and other states are in direct contact with OJJDP employees at the present time and are devising and implementing strategies aimed at enforcement of

the federal act.

15. For the foregoing reasons - based upon my own experience and my evaluation of the staff at the Office of Juvenile Justice and Delinquency Prevention - I believe that as a result of the reduction in force contemplated by the Justice Department, the effort to implement the Juvenile Justice and Delinquency Prevention Act will in both the short and long-term be irreparably harmed.

16. As a former employee of a grantee of the Office of Juvenile Justice who has had various administrative disagreements with individuals in the Office of Juvenile Justice and Delinquency Prevention, I nonetheless state my opinion that the transfer of other employees within the Federal government who lack the experience, knowledge, and sensitivity to juvenile justice issues manifested by the current staff at OJJDP will have a negative impact upon implementation of the federal statute.

Michael J. Dale
MICHAEL J. DALE

SUBSCRIBED AND SWORN this 22nd day of March, 1982.

Notary Public

July 4, 1985
My Commission Expires

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.)
Plaintiffs)
v.) Civil Action No.
CHARLES A. LAUER, et al.)
Defendants)

AFFIDAVIT OF A. L. CARLISLE

DISTRICT OF COLUMBIA, ss:

I, A. L. Carlisle, being first duly sworn on oath according to law do state:

1. I reside at 21 Maple Lane, Cape Elizabeth, Maine 04107.

2. I am the Chairman of the Maine Juvenile Justice Advisory Group, a body whose members are appointed by the governor pursuant to the provisions of the Juvenile Justice and Delinquency Prevention Act, P.L. 96-509, 94 Stat. 2750, 42 U.S.C. Sec. 5601, et seq. (hereinafter, "the JJDPA").

3. Section 223(a)(3) of the JJDPA requires each state which applies for formula grants under that statute to appoint an advisory group consisting of between 15 and 33 persons "who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice." The statute further requires a majority of the members of the advisory group, including the chairman, not be fulltime employees of federal, state or local government, at least one-fifth be under the age of 24 at the time of appointment, and at least three to have been or currently be under the jurisdiction of the juvenile justice system.

4. The JJDPA provides that each state advisory group "(i) shall, consistent with this title, advise the state criminal justice council and its supervisory board; (ii) shall submit to the governor and the legislature at least annually

EXHIBIT D

recommendations with respect to matters related to its functions, including state compliance with the requirements of paragraph (12)(A) [deinstitutionalization of status offenders] and paragraph (13) [separation of juveniles and adults in confinement]; (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the state criminal justice council...; (iv) may be given a role in monitoring state compliance with the requirements of paragraph (12)(A), and paragraph (13), in advising on state criminal justice council and local criminal justice advisory board composition, in advising on the state's maintenance of effort under section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency projects funded under the comprehensive state plan; and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system." Sec. 223(a)(3)(F).

5. In addition to my duties as Chairman of Maine Juvenile Justice Advisory Group, I serve as the chairman of the Northeast Coalition of State Juvenile Justice Advisory Groups, a consortium of advisory group members and juvenile justice specialists representing the states of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey and Pennsylvania.

I am also the Chairman of the National Steering Committee of State Juvenile Justice Advisory Groups, a coalition of advisory group representatives from all the states and territories which participate in the formula grant program.

6. In order to fulfill their responsibilities under the JJDPA, state advisory groups rely heavily on the staff of the Office of Juvenile Justice and Delinquency Prevention (hereinafter , "OJJDP") for policy direction and guidance concerning the complex compliance issues of the JJDPA, and research and information concerning successful program options and strategies for implementing the statute in their particular jurisdictions. This assistance is vital to the success of the states' ongoing efforts to develop programs which prevent juvenile delinquency from occurring; to create alternatives to institutionalization of juveniles, and particularly status offenders, and to remove children from jails.

7. At a minimum, the assistance which the states require from OJJDP must be based on a thorough understanding and working knowledge of the

difficult legal and programmatic challenges raised by the JJDPA. To be effective, such assistance must also be tailored to the particular needs of individual states, including those pertaining to unique geographic and demographic considerations, existing administrative, financial and institutional resources, and varied approaches to the treatment of juvenile offenders.

8. The assistance currently supplied the states by experienced OJJDP employees fully satisfies those requirements and has resulted in notable progress in the implementation of the provisions of the statute in most states.

9. I have been informed that a reduction in force is currently underway at OJJDP; that 17 employees, or approximately 25% of the staff, will be replaced by March 26, 1982; that as much as 90% of the staff may be replaced by September 30, 1982; and that the new employees who will be assigned to OJJDP from other agencies within the United States Department of Justice do not have training or experience on the prevention or treatment of juvenile delinquency or the administration of juvenile justice.

10. In my opinion, the reduction in force will seriously disrupt and hamper the ability of the states to implement the JJDPA. Many of the experienced employees at OJJDP have been associated with the agency since the enactment of the JJDPA in 1974, but, more importantly, all of them have extensive exposure to the JJDPA and the juvenile justice system or youth service agencies. The loss of that experience and expertise will deprive OJJDP of an institutional and programmatic memory; will undermine the agency's ability to provide the assistance which States require to achieve compliance with the Statute; and will curtail the progress which has already been achieved in implementing the JJDPA in many jurisdictions.

11. I have discussed these concerns with representatives of State advisory groups, juvenile justice specialists and others involved with the prevention and treatment of juvenile delinquency in 19 states and the District of Columbia, all of whom agreed with me that the reduction in force would be seriously disruptive to the states' ability to implement the JJDPA.

A. L. CARLISLE

STATE OF MAINE)
) ss:
COUNTY OF Cumberland)

A. L. Carlisle, being first duly sworn on oath according to law, deposes and says that she has read the foregoing Affidavit by her subscribed, and that the facts and matters alleged therein are true and correct to the best of her knowledge, information and belief.

A. L. Carlisle
A. L. CARLISLE

Subscribed and sworn to before me this 22 day of March, 1982.

Sandra B. Hansen
Notary Public

The James McGrath Foundation

Reg. Charity No CC23383

16th March, 1982.

Ms. Mona Lyons.,
625 Washington Building,
Washington. 20005.
U.S.A.

Dear Ms. Lyons:

It is my understanding that steps are being contemplated to integrate fully the staffs and programs of the office of Juvenile Justice and those of the Law Enforcement Assistance Administration in order to expedite certain budgetary curtailments. I would strongly urge that this not be done for a number of reasons.

I served as the first Assistant Administrator of O.J.J.D.P. in 1975 when it was going through its formative stages. I previously had the responsibility of heading city and state juvenile and adult delinquency and criminal justice agencies during a professional career which spanned approximately 30 years.(resume attached). There is no doubt in my mind that the juvenile field requires special and sensitive handling not easily obtainable or found in the adult area.

Adolescent development, learning disabilities, school violence, children not criminal but in need of supervision, parental support systems are just a few areas which must have specially trained personnel to ensure tax dollars are wisely spent on relevant projects.

In the refunding of O.J.J.D.P. in 1977, Congressional intent was made clear as increased administrative authority and fiscal control of juvenile projects were vested in that office rather than totally within L.E.A.A. Innovative approaches combining action and research undertakings were initiated in O.J.J.D.P., and a network of citizen advisory committees organized throughout the United States. The ongoing work of O.J.J.D.P. necessitates unbroken attention and continuity in handling rather than the introduction of a completely new set of supervisors and liaison staff who happen to be available.

If we are to be effective in curbing and treating juvenile anti-social behavior, I urge that those who have spent their careers in this area be retained and supported. Otherwise the youth despair and hostility we are all experiencing will be relegated to the bureaucratic morass from which it was emerging through O.J.J.D.P.

Sincerely,

Milton Luger

M.M. J.P. 16/3/82

Milton Luger.

M. Maloney, J.P.
16/3/82

Board: W. P. McGRATH (Chairman), HON. K. ANDERSON, SIR TRISTAN ANTICO, DR. J.V.M. COPPLESON,
NIGEL DICK Esq., DR. CARL EDMONDS, DON FURNASS Esq., C.W. GIDLEY Esq.,
STEVEN GUNDERS Esq., JAMES McLARDIE Esq., SIR JOHN PAGAN,
HON. P.S.M. PHILIPS, WILLIAM I. SPENCER Esq., PETER THOMSON, MBE, HON. BARRIE UNSWORTH.

EXHIBIT E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.)
)
Plaintiffs,)
v.) Civil Action No. .
)
CHARLES A. LAUER, et al.)
Defendants.)

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

1. Introduction

This is an action brought by 28 employees of the Office of Juvenile Justice and Delinquency Prevention (hereinafter , "OJJDP")[1] to enjoin an imminent reduction in force within the Department of Justice which will displace almost 30% of OJJDP's staff immediately and as much as 90% of the staff in the coming months.

It is important to emphasize at the outset what this suit is not about. Plaintiffs do not challenge a reduction in force which has been necessitated by budgetary constraints and reduced appropriations; nor do they challenge a reduction in force made inevitable by a Congressional decision to pare the scope of federal juvenile justice and delinquency prevention programs and initiatives. In fact, Congress has not significantly decreased appropriations for OJJDP; Congress has not retreated an inch from the legislative goals in the juvenile justice area which it first mandated in the 1974 Act; and OJJDP has not lost a single position as a consequence of the general retrenchment which has so substantially affected other federal programs and agencies in the past two years.

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[1] OJJDP was created by the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. Sec. 5601 et seq. The purpose of the Act is stated in 42 U.S.C. Sec. 5602:

> It is...the...declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct

(footnote continued on p. 2)

Rather, this dispute has been precipitated by a Department of Justice decision to place OJJDP positions and personnel in the same competitive area and levels with those of another, moribund agency within the Department, viz., the Law Enforcement Assistance Administration (hereinafter, "LEAA"), for purposes of a reduction in force. Because LEAA has existed for a considerably longer period of time than OJJDP, LEAA employees with more government service have assignment rights to positions currently occupied by OJJDP staff, given the Department's decision to lump OJJDP and LEAA employees into the same competitive area; and it is solely the exercise of those "bump" and "retreat" rights by LEAA employees which has resulted in the imminent reduction in force at OJJDP. This case, then, is not about a true "reduction" in force as that process is generally understood; instead, it is about what in actuality, is a "replacement" in force which plaintiffs' claim to be illegal for three compelling reasons.

Plaintiffs contend that the reduction in force is unlawful, first, because the Justice Department officials who have planned and who are implementing the personnel actions in question have wholly ignored a Congressional grant of programmatic and administrative autonomy to OJJDP; secondly, defendants' simplistic interpretations of personnel regulations pertaining to reductions in force have unlawfully thwarted the purposes of OJJDP's enabling statute by authorizing the replacement of experienced personnel by other departmental employees who have no qualifications whatsoever in the field of juvenile delinquency; /and thirdly, the departmental officials who have planned and who are implementing the reduction in force are, and have been, occupying their positions unlawfully because they have not been nominated by the President or confirmed by the Senate as required by law. For the reasons next stated, plaintiffs are clearly entitled to preliminary injunctive relief on those claims.

II. Argument

Plaintiff's assertion that they are entitled to an award of preliminary injunctive relief must, of course, be measured by the familiar criteria articulated in Virginia Petroleum Jobbers Association v. F.P.C., 104 U. S. App. D. C. 106, 259 F. 2d 921 (1958); viz., the likelihood of plaintiffs prevailing on the merits; a showing of

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1/ (cont. from p. 1)

effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

irreparable injury; the comparative adversities to the parties involved; and the weight of the public interest. As we shall next demonstrate, those standards are amply satisfied in the case at bar.

A. Likelihood of Success On the Merits

The standard of "likelihood of success on the merits" means simply that:

> ...a court, when confronted with a case in which the other three factors strongly favor interim relief may exercise its discretion to grant [injunctive relief] if the movant has made a substantial case on the merits. The court is not required to find that ultimate success by the movant is a mathematical probability, and indeed ... may grant [interim relief] even though its own approach may be contrary to the movant's view of the merits. The necessary "level or degree" of possibility of success will vary according to the court's assessment of the other factors. [Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc., 182 U. S. App. D.C. 220, 222, 559 F. 2d 841 (1977).] [2/]

In the present case, plaintiffs plainly have a "substantial" case on the merits.

Plaintiffs' first claim on the merits is simple, straightforward and compelling: because Congress has mandated by statute that OJJDP is a separate and independent agency within the Department of Justice, and because Congress has concommitantly directed OJJDP by statute to select and appoint its own employees, the Department of Justice, as a matter of law, may not administratively nullify Congress' statutory grant or autonomy to OJJDP by placing OJJDP employees in the same competitive area with another and wholly separate Department of Justice agency, LEAA. The legitimacy of that claim is conclusively demonstrated by an examination of

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[2/] In so defining the "likelihood of success on the merits" factor of the test for entitlement to preliminary injunctive relief, the WMATC court quoted with approval Judge Frank's formulation of the criterion in the leading case of Hamilton Watch Co. v. Benrus Watch Co., 206 F. 2d 738,740 (2d Cir. 1953):

> To justify a temporary injunction it is not necessary that the plaintiff's right to a final decision, after a trial, be absolutely certain, wholly without doubt; if the other elements are present (i.e., the balance of hardships tips decidedly toward the plaintiff), it will ordinarily be enough that the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful as to make them a fair ground for litigation and thus for more deliberative investigation.

In the instant case, we think it plain that plaintiffs' complaint raises questions which present "a fair ground for litigation."

both "the legislative history or background" [3] of the Juvenile Justice and Delinquency Prevention Act of 1974 as twice reauthorized and amended, and by the plain facial meaning of the Act as reauthorized and amended in 1980 by Pub. L. No. 96-509, 94 Stat. 2750 (December 8, 1980), and it is to that examination that we next turn.

The Juvenile Justice and Delinquency Prevention Act of 1974 was, in large measure, a response by Congress to its perception that previous federal juvenile delinquency programs and initiatives had been ineffectively administered by what was then the Department of Health, Education and Welfare ("HEW"). [4] The principal sponsor of the 1974 Act, Senator Birch Bayh, expressed dissatisfaction at the administration of earlier juvenile justice programs in this fashion: "...the job is not being done as it should be [by HEW]. * * * We have had too many double shuffles as far as our efforts to see that programs passed by this body to deal with juveniles are being administered properly." 120 CONG. REC. S25165 (July 25, 1974). Similarly, Senator Roman Hruska observed that [l]ack of...administrative accountability has hurt the federal participation in juvenile delinquency efforts in the past." *Id*. Accordingly, Congress elected in 1974 not to delegate administrative responsibility for the Juvenile Justice and Delinquency Prevention Act to HEW, but rather to place the newly-created Office of Juvenile Justice and Delinquency Prevention under the administrative aegis of LEAA, an agency that Congress thought at the time might be more suited for the task. *See* the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. No. 93-415, Sec. 202(a), 88 Stat. 1109 (September 7, 1974) ("[t]here is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention...").

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[3] *Association of National Advertisers, Inc.* v. *FTC*, 201 U. S. App. D. C. 165, 178, 627 F. 2d 1151 (1979), *cert. denied*, U. S. 100 S. Ct. 3011.

[4] For a history of those previous federal juvenile delinquency programs, *see* S. REP. No. 93-1011, 93d Cong., 2d Sess. 27-38 (July 16, 1974); for expressions of Congressional dissatisfaction about their administration, *see generally*, the floor debates on the 1974 Act. 120 CONG. REC. S25148-S25193 (July 24, 1974), and 120 CONG. REC. H21882-H21906 (July 1, 1974).

By 1977, however, when the Juvenile Justice and Delinquency Prevention Act came before Congress for reauthorization, there were very visible indications of Congressional impatience with the manner in which LEAA had performed its administrative duties under the 1974 Act. Senator Bayh, for example, said this, on the occasion of the introduction of his 1977 reauthorization bill:

> The amendments in my bill relating to the role of the Office and its executive head, the Assistant Administrator, are designed to assure that the promise of the 1974 act is fulfilled, that its mandated provisions are effectively implemented and administered.
>
> * * *
>
> Rather than a fresh assessment and expedted response to Congress' new direction [in 1974], LEAA inappropriately adopted crime control procedures, policies, and regulations to the new act rather than provide the new focus and identity...the office warranted.
>
> * * *
>
> My bill reaffirms and facilitates the direct role contemplated for the office....[123 CONG. REC. S4240 (March 17, 1977).] [5/]

Accordingly, in order to clarify the role of OJJDP within LEAA, the Act as reauthorized and amended in 1977 expressly provided that "[t]he Administrator [of LEAA] shall administer the provisions of this Act through the Office [of Juvenile Justice and Delinquency Prevention]." Pub. L. 93-415, Sec. 202(a), 91 Stat. 1048 (September 7, 1974), as amended by the Juvenile Justice Amendments of 1977, Pub. L. 95-115. (October 3, 1977).

By the time the Act again came before Congress for reauthorization in 1980, it was apparent to Congress that the 1977 amendment had not achieved its intended purpose, and that the effectiveness of juvenile justice and delinquency prevention programs continued to be severely undermined as a consequence of LEAA's administrative hegemony over OJJDP. Indeed, by 1980, Congressional dissatisfaction with LEAA's administrative performance in the juvenile justice area had become so acute that both houses of Congress were firmly resolved to sever OJJDP's administrative ties to LEAA.

[5/] See also S. REP. No. 95-165, 9th Cong., 1st Sess. 51-53 (May 14, 977).

In the Senate, a bill introduced by Senator Bayh on March 19, 1980, S. 2441, proposed in its Sec. 201(a) to retain OJJDP "within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration," but further provided that OJJDP "shall be under the direction" of its own administrator rather than the administrator of LEAA. Section 201(a) of the Bayh bill directed that OJJDP's administrator "shall administer the provisions of this Act through [OJJDP]," and expressly granted "final authority" over grant awards and administration to the administrator of OJJDP. Finally, S.2441 would have added a new Sec. 201(b) to authorize the administrator of OJJDP to promulgate "rules and regulations" pursuant to the provisions of 5 U.S.C. Sec. 553. In Senator Bayh's words, the amendments were intended "to strengthen and stabilize our 6 year congressional commitment to the Juvenile Justice and Delinquency Prevention Act of 1974 while at the same time mandating that the Administrator of the Office of Juvenile Justice and Delinquency Prevention has final accountability and responsibility for implementing the Act." 126 CONG. REC. S5605 (May 20, 1980). See also S. REP. No. 96-705, 96th Cong., 2d Sess. 6 (May 14, 1980), which explained the proposed amendments thusly:

> ...hearings held in 1980 by the Committee on the Judiciary established that the Administrator [of LEAA] failed to delegate sufficient authority for the ...Administrator [of OJJDP] to fully implement this program. While the Office did a relatively effective job of getting the new program off the ground under difficult circumstances, and to keep it operating as efficiently as possible, it is the Committee's view that mandated statutory support of the Office's Administration of the program will greatly enhance the future ability of the Office to implement the program as intended by Congress.
>
> Therefore, the Committee Amendment specifically delegates authority regarding all administrative, managerial, operational and policy responsibilities for the Juvenile Justice and Delinquency Prevention Act to the Administrator of the Office of Juvenile Justice and Delinquency Prevention.[6/]

[6/] Witnesses who testified on the reauthorization bill before the Senate Committee on the Judiciary were virtually unanimous in their support of independent status for OJJDP. See, e.g., the testimony of Jane C. Freeman of the National

(footnote continued on p. 7)

The House of Representatives was even more determined in 1980 to effect a final and absolute divorce of OJJDP from LEAA.[7/] The House version of the reauthorization bill, H.R. 6704, which was introduced by Representative Ike Andrews on March 5, 1980, proposed:

6/ (cont. from p. 6)

Collaboration for Youth, Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, Hearings Before the Senate Committee on the Judiciary, 96th Cong., 2d Sess. 55-56, 70 (March 27 and 28, 1980; Barbara D. McGarry of the Coalition for Children and Youth, id. at 59-60; Lynn Lyss of the Children and Youth Task Force of the National Council of Jewish Women, id. at 62, 73-74; Regene Schroeder of the Child Welfare League, id. at 53, 75-79; Judge Carl E. Guernsey of the National Council of Juvenile and Family Court Judges, id. at 67; Thomas H. Cooke, Jr., of the U.S. Conference of Mayors, id. at 81; Judge Carolyn Lathrop of the Criminal Justice and Public Steering Committee, National Association of Counties, id. at 86-88, 91; Rodolfo B. Sanchez of the National Coalition of Hispanic Mental Health and Human Services Organizations, id. at 101; Sally Maxton of the Ohio Youth Network, id. at 107, 113; Mark Thennes of the National Youth Work Alliance, id. at 141, 144; Barbara Sylvester of the National Advisory Committee on Juvenile Justice and Delinquency Prevention, id. at 146; Pearl West of the Department of Youth Authority of the State of California, id. at 148; Carol E. Brill of the Legal Services for Children, id. at 200, 203; Sue Matheson of the National Network of Runaway and Youth Services, id. at 217; Robbie Callaway of the Maryland Juvenile Justice Advisory Group, id. at 226-232; Chauncey A. Alexander of the National Association of Social Workers, id. at 452, Joseph Schere of the PTA, id. at 471; and the Michigan Advisory Committee on Juvenile Justice, id. at 474.

7/Like those who testified in the Senate hearings, witnesses who testified before the Human Resources Subcommittee of the House Committee on Education and Labor strongly supported autonomy for OJJDP. See, e.g. the testimony of Barbara Sylvester of the National Advisory Committee on Juvenile Justice and Delinquency Prevention, Juvenile Justice Amendments of 1980, Hearing Before the Subcommittee on Human Resources of the Committee on Education and Labor of the House of Representatives, 96th Cong., 2d Sess. 72 (March 19, 1982); James E. Girzone of the Criminal Justice and Public Safety Steering Committee, National Association of Counties, id. at 115, 120; Judge Carl E. Guernsey of the National Council of Juvenile and Family Court Judges, Id. at 126; Martha Bernstein of the National Collaboration for Youth; Id. at 146; Richard J. Phelps of the Youth Policy and Law Center, Id. at 161; Arnold E. Sherman of the Youth Network Council, Id. at 167, 171; Lee Selden of the Children and Youth Task Force, National Council of Jewish Women, Id. at 188; Joseph Scherer of the PTA, Id. at 198; the National Association of Social Workers, Id. at 206-207; the National Advisory Committee for Juvenile Justice and Delinquency Prevention, Id. at 208; the New Jersey Juvenile Justice and Delinquency Prevention Advisory Committee, Id. at 214; the Region I Coalition of State Juvenile Justice Advisory Group Chairs, Id. at 220; the Maine Juvenile Justice Advisory Group, Id. at 223; and the New Mexico Juvenile Justice Advisory Group, Id. at 226.

> (1) In its Sec. 6(a) to amend Sec. 201(a) of the Act to remove OJJDP entirely from LEAA and to place it "under the general authority of the Attorney General;"
>
> (2) In its Sec. 6(b) to amend Sec. 201(d) of the Act to provide, *inter alia*, that the administrator of OJJDP exercises "all necessary powers" under the general authority of the Attorney General rather than the administrator of LEAA:
>
> (3) In its Sec. 6(c) to amend Sec. 201(e) of the Act to provide that the deputy administrator of OJJDP be appointed by the Attorney General rather than by the administrator of LEAA: and
>
> (4) In its Sec. 6(d) to amend Sec. 201(f) of the Act to provide that the deputy administrator of OJJDP charged with supervision and direction of the National Institute for Juvenile Justice and Delinquency prevention be appointed by the Attorney General rather than by the administrator of LEAA.

The House Report on H. R. 6704 from the Committee on Education and Labor was unequivocal in its statement of the purpose of the amendments just recited:

> ... H. R. 6704 *administratively separates* the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from the Law Enforcement Assistance Administration (LEAA), placing it under the coordination of the Office of Justice Assistance, Research and Statisics (OJARS) and the general authority of the Attorney General. OJJDP would thus become an administrative "fourth box" under OJARS, equal to LEAA, the National Institute of Justice (NIJ), and the Bureau of Justice Statistics (BJS). [H.R. REP. No. 96-946, 96th Cong., 2d Sess. 12 (May 13, 1980) (emphasis supplied).]

The Report further described the intended effect of the amendments in this unambiguous language:

> H.R. 6704 would establish OJJDP as a "fourth box" under the coordination of OJARS and "under the general authority of the Attorney General", on equal footing with LEAA, the NIJ, and the BJS.
>
> Establishing OJJDP as a *separate administrative entity* should succeed in *making the Office more* accountable to Congress and this committee as it implements the act. The Juvenile Justice and Delinquency Prevention Act of 1974 is a free-standing piece of legislation authorizing a Presidentially appointed Administrator to implement the act. Congress should be able to hold the administrator responsible for implementing the act. Establishing OJJDP as a "Fourth box" should also establish it as a separate line item within the Federal budget....

* * *

> OJARS is intended to provide coordination and support services for OJJDP in the same manner as it does for LEAA, NIJ, and BJS. It is not intended that OJARS exercise any policy control over the activites of OJJDP. The relationship between OJJDP and the Department of Justice is expected to be similar to that enjoyed by LEAA since 1968. It is not anticipated nor intended that the Attorney General be involved in the day-to-day operations of the OJJDP program. OJJDP is established by H.R. 6704 as a *separate agency* within the Department of Justice, under the coordination of OJARS, but vested with all the operational and administrative authority necessary to enable it to accomplish the purposes of the act. It is expected that, for the purposes of the Organization of the Department of Justice, set forth at Part O of Title 28 of the Code of Federal Regulations, OJJDP will be designated as a principal organizational unit within the Department of Justice.
>
> The phrase "under the general authority of the Attorney General", is intended to empower the Attorney General to set major policy objectives within which OJJDP would function. The Attorney General may exercise regulatory authority regarding OJJDP pursuant to Title 5 of the United States Code, which specifies that the Department of Justice as an Executive Agency and that the Attorney General, as head of the Justice Department, may prescribe regulations for the governance of the department, the conduct of employees, the distribution and performance of its duties and the like. The Attorney General also has budgetary powers over OJJDP. [*Id.*, at 19-20 (emphasis supplied).]

When H. R. 6704 was brought to the floor of the House for debate on November 19, 1980, Representative Andrews, the principal sponsor of the bill, characterized the effect of the amendments thusly:

> ...the Office of Juvenile Delinquency Prevention has been *separated* from the Law Enforcement Assistance Administration, to remain within the Department of Justice. [126 CONG. REC. H. 10920 (November 19, 1980) (emphasis supplied).]

Similarly, Representative E. Thomas Coleman stated that:

> ...the accountability of the Federal administering agency, the Office of Juvenile Justice and Delinquency Prevention, is increased as a result of a restructuring of the position of that office within the Department of Justice. Under existing law, OJJDP is included as a part of the Law Enforcement Assistance Administration. This structure has resulted in confused lines of authority and in lack of accountability to Congress.
>
> Under the new structure legislated in the bill, the Office of Juvenile Justice and Delinquency Prevention is established as a *separate, self-sufficient* office.... [Id. at H10921 (emphasis supplied).]

Representative Thomas F. Railsback indicated his understanding of the amendments to be that:

> ...H. R. 6705 *administratively separates* the Office of Juvenile Justice and Delinquency Prevention from LEAA and places it under the coordination of the Office of Justice Administration, Research and Statistics and the general authority of the Attorney General. It becomes one of the four coequal offices, along with the Law Enforcement Assistance Administration, the National Institute of Justice, and the Bureau of Justice statistics. I think that is a significant change that will help to underscore the importance that we attach to juvenile justice and will, I hope, focus attention on the unique problems presented to us in dealing with juvenile programs. [*Id.* at H10922 (emphasis supplied).]

And Representative Paul Simon provided this pointed comment:

> I have been a critic of LEAA and am glad to see that the vital juvenile justice program would be *clearly separated* from this other, dying agency. This will help assure that the program receives priority attention from the administration and Congress, and that it can administer the program effectively and without the restrictions it has faced in the past. [*Id.* at H10923 (emphasis supplied).]

H. R. 6704 passed the House of Representatives on November 19, 1980, *see* 126 CONG. REC. H10937-H10938 (November 19, 1980), and on November 20, 1980 the Senate adopted the House amendments in lieu of those proposed in S. 2441. *See* 126 CONG. REC. S 14777 (November 20, 1980). And with the enactment into law of the House version of the 1980 reauthorization bill, it cannot be seriously disputed that Congress plainly meant, in the language of the House report and floor debates, to "clearly separate" OJJDP from LEAA and to reconstitute OJJDP as "a separate agency," "a separate administrative entity," and "a separate, self-sufficient office."

Furthermore, in a statutory change of major significance to the present dispute, the 1980 amendments for the first time granted plenary personnel authority to the administrator of OJJDP.[8] *See* Sec. 202(a) of Pub. L. 96-509, 97 Stat. 2750 (December 8, 1980) (42 U.S.C. Sec. 5612).

> The Administrator [of OJJDP] is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

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[8] In the 1974 Act and in its 1977 reauthorization, personnel authority over OJJDP was vested in the Administrator of LEAA.

The unmistakable import of the section just quoted is that Congress, as an integral part of its reconstitution of OJJDP as a "separate, self-sufficient" agency in 1980, also meant to insure the organizational autonomy of OJJDP employees.

Nevertheless, defendants are interpreting an administrative order issued by the Justice Management Division of the Department of Justice, DOJ 1351.1B (June 16, 1981), to mean that for purposes of a departmental reduction in force, OJJDP employees are in the same competitive area as employees of LEAA--precisely the agency from which Congress meant to separate OJJDP in 1980.[9]

Our research has not revealed any reported judicial decision involving a similar attempt by an executive branch department to thwart, through the establishment of overbroad competitive areas for employees, a Congressional directive that a subordinate agency within the department be afforded independent status. However, while this case may be one of first impression in the courts, the question is not altogether novel. See the December 17, 1981, memorandum of Joseph A. Morris, General Counsel of the Office of Personnel Management ("OPM"), to Reginald M. Jones, OPM Assistant Director of Agency Liaison, which is attached hereto as Exhibit 2. Mr. Morris' memorandum constitutes the opinion of OPM on a dispute which arose last year in the Department of Labor; the question there, virtually identical to the issue presented by the case at bar, was whether a separate competitive area for RIF purposes had to be established, as a matter of law, for the Labor Department's Office of Inspector General. This was OPM's answer:

> [OPM] believes that the IG office, by virture of its independent status and structure, as well as its independent authority to select and appoint its employees under Section 6(a)(6) of the Inspector General Act of 1978, Public Law 95-4512, is a separate administrative authority under 5 C.F.R. Sec. 351.402. Accordingly, we believe that in the event of a reduction-in-force (RIF), a separate competitive area should be established for the IG's office.

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[9] Order DOJ 1351.1B (June 16, 1981) is attached hereto as Exhbit 1. It is far from apparent to us that the order in fact places OJJDP and LEAA employees in the same competitive area. That, nevertheless, is how defendants interpret it.

> The power to appoint and select has been broadly interpreted, and we believe that this power extends in this case to provide authority for the IG to independently control its employees in the event of a RIF.
>
> * * *
>
> Overall authority to declare an agency RIF clearly rests with the agency head, even though the RIF may include the Office of Inspector General. *See* 5 C.F.R. Sec. 351.201. However, the independent authority of the IG would nevertheless require that a separate competitive area be established for the IG offices. [(Footnote omitted) (emphasis supplied).]

The same conclusion is ineluctable in the present case. Just as Congress directed that the IG Office have independent status within the Department of Labor, so too has Congress directed that OJJDP have independent status within the Department of Justice.[10] Just as Congress provided in Sec. 6(a)(6) of the Inspector General Act of 1978 that "each Inspector General, in carrying out the provisions of this Act, is authorized to select, appoint and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office," so too has Congress provided in 42 U.S.C. Sec. that "[t]he Administrator [of OJJDP] is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions." Just as OPM concluded that the combination independent status of the IG's Office and the statutorily granted power to select and appoint empoloyees rendered the Office "a separate administrative authority" within the meaning of 5 C.F.R. Sec. 351.402,[11] so too is the conclusion inescapable that the same combination of independent status and statutorily granted power to select and appoint employees renders OJJDP "a separate administrative authority" within the meaning of applicable personnel regulations. And if that is so, then like the Inspector General's Office, OJJDP must, as a matter of law, be established as a separate competitive area for purposes of a reduction in force. Plaintiffs' likelihood of success on the merits of this contention is overwhelming.

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[10] As a consequence of the 1980 amendments previously discussed, OJJDP is now administratively separated from all other Justice Department agencies and subject only to the "general authority" of the Attorney General.

[11] 5 C. F. R. Sec. 351.402 provides, *inter alia*, that "[t]he standard for a competitive area is that it include all or that part of an agency in which employees are assigned under a single administrative authority."

Plaintiffs also contend that defendants' have erroneously interpreted and are unlawfully applying federal personnel regulations concerning the setting of competitive levels for reductions in force. After an agency has determined the "competitive areas" within which employees will compete in the event of a reduction in force, OPM regulations require that "competitive levels" for competition be established. Pursuant to 5 C.F.R. Sec. 351.403(a), a competitive level consists of "all positions in a competitive area and in the same grade or occupational level which are sufficiently alike in qualification requirements, duties, responsibilities, pay schedule, and working conditions, so that an agency may readily assign the incumbent of any on position to any of the other positions without changing the terms of his appointment or unduly interrupting the work program." (Emphasis supplied.) The Federal Personnel Manual further defines "undue" disruption as a "degree of interruption that would prevent the completion of required work within the allowable limits of time and quality. Federal Personnel Manuel, Chapter 351, "Reduction-In-Force," Subchapter 2, Sec. 2-2(b).

In defining the competitive levels for the reduction in force at issue here, OJARS personnel officials concluded that virtually all of the professional positions at LEAA were interchangeable with those at OJJDP. The apparent predicate for that conclusion was the simplistic and erroneous assumption that experience in the prevention and treatment of juvenile delinquency is synonomous with experience in the adult criminal justice field.

The broadly defined "competitive level" determinations which were implemented by OJARS based on that erroneous assumption not only thwart the clear Congressional intent to separate OJJDP and LEAA positions and personnel but also violate the applicable personnel regulations. By the terms of OPM regulations and the Federal Personnel Manual, a competitive level must be determined by an examination of "the duties and responsibilities of the position as stated in the official position description." As attested by two OJJDP division directors, the official descriptions for the professional positions in their divisions currently require "extensive experience and expertise in the field of juvenile delinquency", Affidavit of David D. West, p. 2, paragraph 7, attached as Exhibit A to plaintiffs' motion for preliminary injunction, and such experience has "uniformly been required," Affidavit of Emily C. West, p. 3, paragraph 8, attached as Exhibit B to plaintiffs' Motion for Preliminary Injunction. No experience or training in the field of juvenile delinquency, however, is required by the official LEAA descriptions for the positions which were placed in the same competitive level with those at OJJDP.

In terms of the integrity of the OJJDP program, the specific training and experience in the juvenile justice system required by the official position descriptions is, in the words of one division director, "an essential baseline to the functioning" of the agency. Id. A lawyer who specializes in juvenile justice litigation and has had extensive experience with OJJDP employees characterizes the importance of those particular qualifications similarly:

> By virtue of my work with the employees of the agency, it became clear to me that they manifest a body of experience, generally resulting from their prior experience in the juvenile justice field combined with their more recent activities on behalf of the agency, which is essential to adequate implementation of the Federal law.
>
> Based upon my interaction with them, it has also become clear to me that they have a full and complete understanding of the complexity and unique nature of the American juvenile justice system. Those people with whom I worked at the agency were aware of the vast variety of juvenile codes in the 50 states, even including the nuances of practice in juvenile courts in different parts of a particular state. These same employees were conversant with both the variety of youth assistance agencies in the states and the theoretical modalities for such services described in the literature in this country.
>
> Furthermore, it became clear to me that they were aware of the vast differences between the juvenile justice system and the adult criminal justice system. Their knowledge is particular to the juvenile justice system. They were always careful not to make the grievous error of applying adult criminal justice concepts, policies, values, and legal principdes to the juvenile justice system. [Affidavit of Michael J. Dale, pp. 3-4, paragraphs 11-13, attached as Exhibit C to plaintiffs' motion for preliminary injunction.]

That the loss of such expertise will "unduly disrupt the work program" of OJJDP within the meaning of the OPM regulations is plain on its face,[12] and plaintiffs' likelihood of success on the merits of their second claim is therefore patent.

Finally, plaintiffs contend that the reduction in force which is underway at OJJDP has been planned and is currently being implemented by two officials who have been operating in an "acting" capacity for over a year in positions which Congress has dictated can be lawfully occupied only by Presidentially nominated candidates who have been confirmed by the Senate. See Sec. 201(a) of the Juvenile Justice and Delinquency Prevention Act and Sec. 801(a) of the Justice System Improvements Act (42 U.S.C. 3781.) Since neither the constitutional nor statutory requirements of appointment and confirmation have been met with respect to the tenure of defendants Lauer and Diegelman as the respective heads of OJJDP and OJARS, their actions with respect to the reduction in force are in violation of Article II, Section 2 of the United States Constitution and the Vacancies Act of 1868, as amended, 5 U.S.C. 3345-3349.

Given the unusual length of time that both defendants Lauer and Diegelman have served in their current positions without even having been nominated by the President, the Justice Department surely cannot contend that their appointments were "necessitated by any emergency situation," Williams v. Phillips, 360 F. Supp. 1363, 1369 (D.D.C. 1973). Indeed, even if defendants Lauer and Diegelman had only been in office for no longer than the 30 day period authorized for a temporary appointment under the Vancies Act, there is no such emergency, budgetary or otherwise, warranting their taking any action which results in the displacement of OJJDP employees without the necessary authority to do so. Again, plaintiffs' likelihood of success on the merits of their third claim is apparent.

B. Irreparable Injury

Plaintiffs next contend that irreparable injury will immediately occur absent a grant of preliminary injunctive relief by this Court. We recognize, of course, that in Sampson v. Murray, 415 U. S. 61 (1974), the Supreme Court held that loss of income and damage to reputation sustained by a discharged federal employee did not constitute irreparable injuries sufficient to justify equitable intervention by a federal court prior to the completion of administrative review of the legality of the discharge. The *Sampson* court carefully cautioned, however, that its opinion should *not* be read as foreclosing judicial intervention in all federal employee discharge cases prior to exhaustion of administrative remedies. As the Court put it:

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[12] See also the discussion of irreparable injury infra.

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> We recognize that cases may arise in which the circumstances surrounding an employee's discharge, together with the resultant effect on the employee, may so far depart from the normal situation that irreparable injury might be found. Such extraordinary cases are hard to define in advance of their occurrence . * * * [W]e do not wish to be understood as foreclosing relief in the genuinely extraordinary situation. [*Id.* at 92 n. 11.]

If ever there can be a "genuinely extraordinary" case within the meaning of *Sampson v. Murray*, this case, we submit, is it.

The legislative history of the Juvenile Justice and Delinquency Prevention Act, which we have previously canvassed at some length, makes it absolutely clear that over the course of the eight-year history of the legislation, Congress became increasingly dissatisfied with the manner in which LEAA was performing its administrative responsibilities under the Act, and that the statutory separation of OJJDP from LEAA in 1980 was intended by Congress to solve what it perceived to be a very serious threat to the effective implementation of the Act posed by LEAA's involvement in juvenile justice programs. Now, astonishingly enough--in the wake of Congress' explicit 1980 directive that OJJDP and LEAA be completely separated--the Department of Justice is proposing to replace virtually the entire staff of OJJDP with former employees of LEAA, none of whom, so far as we are aware, have experience whatsoever in the administration of juvenile justice programs and initiatives.

If defendants are successful in implementing their proposed reduction in force, the impact on the juvenile justice and delinquency prevention programs administered by OJJDP will be, in a word, devastating. The affidavit of Milton Lugar, who was administrator of OJJDP from 1975 to 1977, puts it this way: "The ongoing work of OJJDP necessitates unbroken attention and continuity in handling rather than the introduction of a completely new set of supervisors and...staff...." Affidavit of Milton Lugar, attached as Exhibit D to plaintiffs' motion for preliminary injunction.[13/] And the other affidavits attached to plaintiffs' motion for preliminary injunction make clear exactly what deleterious consequences will flow from an unnecessary break in the administrative "continuity" on OJJDP programs:

* Emily C. Martin has been the Director of the Special Emphasis Division of OJJDP since 1974; Ms. Martin's division, with 20 employees, administers a budget which ranges between $10 and $42 million annually. Ms. Martin's division is charged under the Act with developing and implementing grant programs to test new approaches for the prevention and treatment of juvenile delinquency to six major areas: (1) programs which provide community-based alternatives to the incarceration of youthful offenders; (2) programs which prevent unnecessary suspensions and explusions from schools, provide employment for young people, and improve the responsiveness of agencies which serve troubled young people: (3) programs which improve the due process standards of the juvenile justice system; (4) advocacy programs which seek to stimulate and facilitate needed changes and enhance accountability within the juvenile justice system and in youth services systems; (5) programs which prevent and control violent and serious youth crime; and (6) programs which improve the capacity of public and private youth service agencies to respond effectively to the needs of young people in trouble. According to Ms. Martin's affidavit, supra:

> If it proceeds as planned, the RIF will have an immediate and irreparable impact on the implementation of the division's major national initiatives which are at critical developmental stages, and which are currently managed by employees who will be separated from OJJDP on March 26, 1982.

* David D. West has been the director of OJJDP's Formula Grants and Technical Assistance Division since 1975, except for a nine-month period in which he served as the agency's acting administrator; Mr. West's division, with 25 employees, administers an annual budget of $50 million. The formula grants program which is directed by Mr. West is charged under the Act with responsibility for grants to state and local governments to assit them in planning, implementing and evaluating innovative and effective juvenile justice and delinquency prevention programs; moreover, the Act requires that states which apply for formula grants

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[13/] Mr. Lugar's Affidavit, although in the form of a letter to plaintiffs' counsel, was sworn to before a Justice of the Peace in Australia.

submit plans which state how federal funds will be utilized and detail compliance with various mandates of the Act, including the deinstitutionalization of non-criminal children, the separation of adults and young people in confinement, the removal of juveniles from adult jails and lock-ups, the development of community-based prevention and treatment programs, and the management of juveniles who have committed serious crimes or who are members of gangs. The division's technical assistance program makes available to states, local governments and other interested organizations the knowledge and expertise of juvenile justice management experts concerning the development and implementation of effective programs for the reduction of juvenile crime. According to Mr. West's affidavit, supra:

> In my experience, the key to administering the OJJDP formula grant and technical assistance program effectively has been the establishment and maintenance of cooperative working relationships between the OJJDP professional staff and the juvenile justice specialists in the states. Such relationships require expert knowledge on the part of OJJDP staff of both the juvenile justice system and youth service agencies, as well as the legal, organizational and political structures unique to each state. Without such knowledge, OJJDP cannot adequately assist the states in their efforts to implement the Juvenile Justice Act, and cannot insure that the specific mandates of the Act will be advanced or met.
>
> * * *
>
> The separations or division personnel on March 25, 1982, will immediately and irreparably disrupt the division's evaluations of the three-year state plans which are currently being submitted and reviewed.
>
> * * *
>
> Based on my review of the qualifications of the employees who will replace division staff, I have concluded that the immediate statutory responsibilities of the division cannot be met if the first phase of the RIF proceeds as planned and future personnel actions displacing qualified and experienced staff will effectively destroy the operations of the division.

* A. L. Carlisle is chairperson of the Maine Juvenile Justice Advisory Group, a body whose members are appointed by the governor of the state pursuant to the provisions of the Juvenile Justice and Delinquency Prevention Act; the

state advisory groups perform under the Act a very significant role in insuring state compliance with the various requirements of the Act. Ms. Carlisle serves as chairman of the Northeast Coalition of State Juvenile Justice Advisory groups, which is a consortium of advisory group members and juvenile justice specialists from the states of Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey and Pennsylvania. Ms. Carlisle is also the chairperson of the National Steering Committee of State Juvenile Justice Advisory Groups, a coalition of advisory group representatives from all of the states and territories which participate in the formula grant program created by the Act. Ms. Carlisle's affidavit, which is attached as Exhibit D to plaintiffs' motion for preliminary injunction, states:

> In order to fulfill their responsibilities under the [Act], state advisory groups rely heavily on the staff of the Office of Juvenile Justice and Delinquency Prevention...for policy direction and guidance concerning the complex compliance issues of the [Act], and research and information concerning successful program options and strategies for implementing the statute in their particular jurisdictions. This assistance is vital to the success of the states' ongoing efforts to develop programs which prevent juvenile delinquency from occurring; to create alternatives to institutionalization of juveniles, and particularly status offenders; and to remove children from jails.
>
> At a minimum, the assistance which the states require from OJJDP must be based on a thorough understanding and working knowledge of the difficult legal and programmatic challenges raised by the [Act]. To be effective, such assistance must also be tailored to the particular needs of individual states, including those pertaining to unique geographic and demographic considerations, existing administrative, financial and institutional resources, and varied approaches to the treatment of juvenile offenders.
>
> * * *
>
> In my opinion, the reduction in force will seriously disrupt and hamper the ability of the states to implement the [Act]. Many of the experienced employees at OJJDP have been associated with the agency since the enactment of the [Act] in 1974, but, more importantly, all of them have extensive exposure to the [Act] and the juvenile justice system or youth agencies. The loss of that experience and expertise will deprive OJJDP of an institutional and programmatic memory; will undermine the agency's ability to provide the assistance which states require to achieve compliance with the statute; and will curtail the progress which has already been achieved in implementing the [Act] in many jurisdictions.

> I have discussed these concerns with representatives of state advisory groups, juvenile justice specialists and others involved with the prevention and treatment of juvenile delinquency in 19 states and the District of Columbia, all of whom agreed with me that the reduction in force would be seriously disruptive to the states' ability to implement the [Act].

* Michael J. Dale is a lawyer who was employed from 1974 to 1980 in agencies which received grants from OJJDP pursuant to the provisions of the Act. During that six-year period, Mr. Dale was actively involved in efforts in the states of New York and California to secure compliance with the Act, and he has dealt with OJJDP grantees in some 20 states in their efforts to effectuate the Act's mandates that status offenders be deinstitutionalized and that young people be separated from adults in jails and lock-ups. According to Mr. Dale's affidavit, supra;

> ...the reduction in force, if carried out, will...have serious, continuous, grievous, and irreparable effects detrimental to the interests of juveniles throughout the United States.
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> * * *
>
> There will be an immediate and negative impact upon ....juveniles in the various states on whose behalf implementation of the Act is intended, if these employees are terminated. For example, State plans such as Arizona's are currently being formulated with the direct assistance and knowledge of the OJJDP staff to solve the problem of sight and sound separation of juveniles and adults....The State officials lack the expertise and knowledge to develop the plan alone. Grantee organizations with whom I am familiar in Arizona, New Jersey, Kentucky, California, and other states are in direct contact with OJJDP employees at the present time and are devising and implementing strategies aimed at enforcement of the federal act.
>
> * * *
>
> [I] believe that as a result of the reduction in force contemplated by the Justice Department, the effort to implement the Juvenile Justice and Delinquency Prevention Act will in both the short and long-term be irreparably harmed.

OJJDP is, in short, a small agency with a large and vitally important mandate, [14] and its ability to fulfill that mandate will be irreparably damaged absent

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[14] See the remarks of Senator Bayh, 126 CONG. REC. S2643 (March 19, 1980):

(footnote continued on p. 21)

the preliminary injunctive relief sought by these plaintiffs. Precisely because the programmatic functioning of OJJDP will be irremediably damaged if defendants are allowed to proceed with their unlawful reduction in force, this is the truly "extraordinary case" with the meaning of Sampson v. Murray, supra.[15]

C. The Public Interest and Comparative Adversities

Clearly the public interest favors an uninterrupted continuation of the programs administered by OJJDP under the Juvenile Justice and Delinquency Prevention Act, and it therefore follows that the public interest favors the grant of preliminary

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[14] (cont. from p. 20)

> ...it is true that the Office of Juvenile Justice is tragically understaffed. By the Department's own survey, the Office should have at least 150 in order to carry out this program effectively, efficiently, and with responsibility.

In fact, OJJDP now has less than one-half the staff Senator Bayn (based on defendants' own calculations) though necessary to "carry out this program effectively, efficiently, and with responsibility." That the program functions effectively at all is a testament to the experience, skill and dedication of the current employees, and deleterious programmatic effect of their replacement with unqualified LEAA personnel is obvious.

[15] There is no administrative remedy available to plaintiffs which is sufficiently efficacious to prevent the irreparable injury described above. Accordingly, plaintiffs should not be required to pursue administrative remedies as a condition precedent to a judicial resolution of their claims. See, e.g., Humana of South Carolina, Inc. v. Califano, 191 U. S. App. D. C. 368, 590 F. 2d 1070 (1978); Wallace v. Lynn, 165 U. S. App. D. C. 363, 507 F. 2d 1186 (1974), American Federation of Government Employees v. Acree, 155 U. S. App. D. C. 20, 475 F. 2d 1289 (1973), Lodge 1858, American Federation of Government Employees v. Paine, 141 U. S. App. D. C. 152, 436 F. 2d 882 (1970). Moreover, immediate judicial review of plaintiffs' claims is particularly appropriate in light of the fact that they solely involve questions of law. National Council of CSA Locals v. Schweiker, 526 F.Supp. 861 (D.D.C. 1981).

injunctive relief sought by these plaintiffs. By contrast, no conceivable harm will accrue to defendants as a consequence of such relief.

III. Conclusion

For all of the foregoing reasons, plaintiffs' motion for preliminary injunction should be granted.

Mona Lyons

John W. Karr

625 Washington Building
Washington, D. C. 20005
Attorneys for Plaintiffs

United States Government
MEMORANDUM

**Office of
Personnel Management**

Date: DEC 17 1981
In Reply Refer To:
Your Reference:

Subject: Separate Competitive Area for Office of the Inspector General in a Reduction-in-Force

From: Joseph A. Morris
General Counsel Joseph A Morris

To: Reginald M. Jones
Assistant Director for
Agency Liaison

This is in response to your request for an opinion from the Office of the General Counsel (OGC) regarding the establishment of a separate competitive area for the Office of the Inspector General (IG). As we understand it, the question has been raised by the Department of Labor.

OGC believes that the IG office, by virtue of its independent status and structure, as well as its independent authority to select and appoint its employees under Section 6(a)(6) of the Inspector General Act of 1978, Public Law 95-452,[1] is a separate administrative authority under 5 C.F.R. § 351.402. Accordingly, we believe that, in the event of a reduction-in-force (RIF), a separate competitive area should be established for the IG's office.

The power to appoint and select has been broadly interpreted, and we believe this power extends in this case to provide authority for the IG to independently control its employees in the event of a RIF. This result is obvious not only from the language of the IG Act providing for the IG's independent authority and control over its organization,[2] but also from the critical independence which Congress believed necessary in order for an IG to properly function. *See* S. Rep. No. 95-1071, 95th Cong., 2d Sess. at 7.

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[1] Section 6(a)(6) of the Inspector General Act of 1978, Public Law 95-452, provides:

> In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized--
>
> (6) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates . . ..

EXHIBIT 2

CON 101-07-[illegible]
OPM Form 601
August 1980

Overall authority to declare an agency RIF clearly rests with the agency head, even though the RIF may include the Office of the Inspector General. *See* 5 C.F.R. § 351.201. However, the independent authority of the IG *would* nevertheless require that a separate competitive area be established for the IG offices.

The agency's discretion in this instance would extend only to enlarging the competitive area (in second round competition) to permit IG employees to exercise assignment rights to the larger (non-IG) competitive area. The agency could at the same time restrict employees outside the IG competitive area from exercising assignment rights *into* the IG competitive area. Under 5 C.F.R. § 351.402(d), agencies may *combine* competitive areas and limit competition for assignment between competitive levels. Thus, an agency could, by combining competitive areas, provide for assignment rights to non-IG positions for IG employees while not allowing for the assignment of employees into the IG office from outside the IG competitive area. The latter type of assignment could be seen as undermining the independence of the IG's office and would also interfere with the exclusive power of selection and appointments reserved to the IG by the Inspector General Act.

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[2] Section 3(a) of the Inspector General Act provides in part:

* * *

> Each Inspector General shall report to and be under the general supervision of the head of the establishment involved, . . . *but shall not report to, or be subject to supervision by, any other officer of such establishment.* [Emphasis supplied.]

Further, the Senate Report states:

> Paragraph (6) gives the Inspector and Auditor General the authority to employ those officers and employees necessary to carry out his functions. The committee believes that the Inspector and Auditor General should have broad authority to structure the operation of his office as he deems fit . . ..
>
> Paragraphs (6), (7) and (8), taken together, give the Inspector and Auditor General substantial autonomy in carrying out his operations, subject, of course, to the limits imposed by appropriations. The committee is aware that in most cases the authority to select and appoint officers and employees, obtain services from consultants and enter into outside contracts rests with the agency head and is delegated as appropriate to subordinate officials. *However, because of the unique function of the Inspector and Auditor General and the possibility that such authority might be denied to him, in order to hamper his operations, the committee has given him explicit authority to carry out these functions.* [Emphasis supplied.] S. Rep. No. 95-1071, 95th Cong., 2d Sess. 34-35.

In summary, we believe that, in the event of a RIF, the separate independent authority accorded to the IG under the Inspector General Act necessitates that a separate competitive area be established for the Office of the Inspector General.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.)
Plaintiffs)
v.) Civil Action No.
CHARLES A. LAUER, et al.)
Defendants)

PRELIMINARY INJUNCTION

This matter having come before the Court on plaintiffs' motion for preliminary injunction, and the Court having found that there is a likelihood of success on the merits of plaintiffs' claims that the reduction in force underway at the Department of Justice is in violation of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, is contrary to regulations of the Office of Personnel Management, and is unlawful pursuant to the Vacancies Act of 1868, as amended, and Article II, Section 2, of the United States Constitution; that plaintiffs will suffer irreparable injury if defendants are permitted to implement the reduction in force as structured; that plaintiffs will be substantially more adversely affected by the implementation of the reduction in force than defendants would be by the granting of this injunction; and that the public interest implicated in an uninterrupted continuance of the programs of the Office of Juvenile Justice and Delinquency Prevention will be substantially served by the granting of this injunction, it is, by the Court, this _____ day of _________________, 1982,

ORDERED, that plaintiffs' motion for preliminary injunction be, and it hereby is, granted, and it is further

ORDERED, that defendants be, and they hereby are, preliminarily enjoined from separating or demoting plaintiffs from their positions and from implementing in any other manner a reduction in force affecting personnel or positions at the Office of Juvenile Justice and Delinquency Prevention.

____
JUDGE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.,)
Plaintiffs,)
v.) Civil Action No. 82-4808
CHARLES A. LAUER, et al.,)
Defendants.)

DEFENDANTS' OPPOSITION TO PLAINTIFFS' APPLICATION FOR A TEMPORARY RESTRAINING ORDER

INTRODUCTION

By this action, plaintiffs, 28 employees of the Office of Juvenile Justice and Delinquency Prevention ("OJJDP"), Department of Justice, seek to challenge a reduction in force ("RIF") in their agency scheduled for March 26, 1982. The impact of the RIF on OJJDP is a result of a RIF in LEAA and the replacement of OJJDP employees with superior retention right, as provided by statute. Significantly, only six of these 28 plaintiffs will be separated from OJJDP as a result of the March 26 RIF. Two plaintiffs will be reassigned to lower grade positions in OJJDP, and one plaintiff will have his appointment status changed from permanent to temporary. The remaining 19 plaintiffs in this action will not be separated or displaced from their positions as a result of the March 26 RIF. Instead, these plaintiffs speculate that they may or will be separated or displaced from their positions in some future RIF in September, 1982.

Despite the fact that plaintiffs were advised of the RIF one month ago and have had more than ample opportunity to have timely brought their challenge and have the Court render a decision on the merits prior to the effective date of the RIF, plaintiffs have at the eleventh hour applied for a temporary restraining order ("TRO") seeking to enjoin OJJDP from carrying out its plans to conduct the RIF. Plaintiffs' application must be denied because plaintiffs have failed to meet any of the requirements for issuance of a TRO.

First and foremost, plaintiffs must show that their separation from or displacement in OJJDP will result in imminent irreparable injury to them if a TRO is not issued. Because employment with the federal government is at issue, the plaintiffs' burden is exceptionally high. Courts have traditionally granted the government the widest latitude in handling its own internal affairs and are extremely reluctant to intervene in federal employment matters. Sampson v. Murray, 415 U.S. 61, 78-84 (1974). Moreover, the loss of income and damage to reputation which result from the loss of federal employment are not sufficient to constitute irreparable injury. Id., 415 U.S. at 84-92. Because the nine employees who will be separated from or displaced in OJJDP can point to no injury different from that rejected by the Court in Sampson v. Murray, supra, their application for a TRO must be denied.[*/] The remaining plaintiffs, whose employment status will not be affected by the scheduled RIF, clearly can claim no personal injury whatsoever, much less imminent irreparable harm.

Secondly, plaintiffs must determine a likelihood of prevailing on the merits. Plaintiffs here have made no such showing. First, the eight plaintiffs being separated or downgraded who are members of the bargaining unit have administrative remedies under the grievance procedure provisions of their negotiated contract with the agency. By statute [illegible] well as express contract provision, the grievance procedure is the exclusive remedy in challenging a RIF. 5 U.S.C. §7121(a)(1) and Section 5 of Article XXIV of the negotiated contract. With respect to the one non-union employee scheduled to be separated from OJJDP, this plaintiff has administrative remedies before the Merit Systems Protection Board which he has not even sought, much less pursued. Second, this Court lacks jurisdiction over the subject matter of this action

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[*/] It is clear that any injury these employees might suffer as a result of termination or displacement in their employment could be remedied at the conclusion of the litigation, without any interlocutory relief, by reinstatement with back pay.

because appeals from the grievance procedure must be taken to binding arbitration, with limited appeal of the arbitrator's decision to the Federal Labor Relations Authority ("FLRA"). 5 U.S.C. §7122(a). Judicial review of the FLRA decision, if available at all, is lodged exclusively in the courts of appeals. 5 U.S.C. §7123(a). Finally, appeals from decisions of the MSPB must go to the Court of Claims or Court of Appeals. 5 U.S.C. §7703 (b)(1).

Even if the merits of this case were ever to be reached by this Court, there is no likelihood that plaintiffs would prevail on the merits. Plaintiffs challenge the scheduled RIF on four grounds: (1) that OJJDP was improperly included in the same competitive area with its other sister Justice System Improvement Act ("JSIA") agencies; (2) that plaintiffs were improperly included within the same competitive levels as employees from LEAA; (3) that the replacement of ten OJJDP employees with employees from LEAA will cause undue disruption in the operations of OJJDP; and (4) that the officials implementing the RIF were not authorized to do so. These claims are completely without merit.

The inclusion of OJJDP within the same competitive area with its sister JSIA agencies was negotiated by the union representing JSIA employees as part of the governing collective bargaining unit. Moreover, the appropriateness of the agency's determinations of competitive areas and competitive levels for purposes of the RIF are precisely the type of administrative personnel matters to be reviewed through the negotiated grievance procedure or by the MSPB. Plaintiffs' disruption theory is totally undercut by the history of the relatively free movement of other JSIA employees into OJJDP, despite their lack of special juvenile justice program experience. Finally, defendant Lauer, the OJJDP official who implemented the RIF as to plaintiffs, was authorized to act in his capacity as Deputy Administrator of OJJDP.

Third, the public interest would not be served by retaining federal employees on government payroll when there is not work for them to do.

ARGUMENT

I. PLAINTIFFS HAVE FAILED TO DEMONSTRATE IMMINENT IRREPARABLE INJURY WARRANTING INJUNCTIVE RELIEF

A. Because Plaintiffs Seek A TRO Against Federal Personnel Actions, Their Burden Is Especially Great

The Supreme Court has held that the standards for granting temporary injunctive relief must be applied most stringently to plaintiffs who challenge government personnel actions. Sampson v. Murray, supra, 415 U.S. at 84 (1974). See also, Adams v. Vance, 570 F.2d 950 (D.C. Cir. 1978). Because the TRO is an extraordinary remedy, it may only be granted when plaintiffs are faced with imminent irreparable harm. Implicit in the granting of a TRO, is that plaintiffs have not directly created the "imminence" of their injury by failing to exercise due diligence in protecting their interests or by delaying their assertion of such injury to the eve of the challenged activity. Any "imminent" injury suffered by plaintiffs in this action has resulted solely from their inexcusable delay in bringing their legal challenge to the RIF.

The plaintiffs who are scheduled to be separated or downgraded as a result of the RIF scheduled for today were so advised by defendant Lauer one month ago. If plaintiffs believed they would be irreparably injured by the RIF or that the scheduled RIF was unlawful, they could have obtained a hearing on the merits of their claims well before today's effective date for the RIF. Instead, at the eleventh hour, plaintiffs' attempt to invoke the Court's jurisdiction, to bring a halt to scheduled government personnel actions of which they were advised four weeks ago.

Moreover, plaintiffs were urged by defendants to timely bring their challenges to the RIF, so that a decision on the merits could be reached before the effective date of the RIF. On February 24, 1982, upon learning of plaintiffs' proposed lawsuit, counsel for defendants contacted plaintiffs' counsel and urged that the parties agree to an expedited briefing schedule so that all issues regarding the scheduled RIF could be fully briefed and presented to the Court for a decision on the merits well in advance of the effective date of the RIF. Instead, defendants were advised on the eve of the RIF that plaintiffs would be filing their application for a TRO. Any "imminent" injury that plaintiffs may suffer is a result of their own delay. There is no reason why defendants could not have been provided the opportunity to fully address the issues which plaintiffs have chosen to raise only at the last minute, or why this Court should have to rule on this matter on an emergency basis. Because any imminent irreparable injury plaintiffs may suffer is the result of their own delay in challenging the RIF, plaintiffs fail to establish imminent irreparable injury which would support the entry of an extraordinary remedy.

B. Whatever Injury Suffered By Separated Or Downgraded OJJDP Employees Is Not Irreparable

In any event, whatever injuries some of the plaintiffs may suffer from being separated or downgraded in OJJDP as a result of the RIF, does not constitute irreparable harm. The only injury that these plaintiffs can point to is either the full loss of pay as a result of their termination or a reduction in pay from being downgraded. That, however, is precisely the type of harm that the Court in Sampson v. Murray, supra, found insufficient to constitute irreparable injury. If it is eventually determined that these OJJDP employees have been deprived of their lawful rights in being separated or downgraded, they may be reinstated by OJJDP with back pay. See 5 U.S.C. §5596.

C. Whatever Injury OJJDP Employees Might Suffer As A Result of Future RIFs Is Not Irreparable

The remaining 19 employees' claims that they will or may be subjected to a RIF in September are completely speculative and certainly do not constitute the imminent irreparable harm which would warrant the issuance of a TRO. The President has proposed the elimination of OJJDP effective October 1, 1982, although, as

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occurred in FY 1981, Congress may authorize some funding for the juvenile justice program. Because any future RIF's are purely speculative, and the question of whether these particular plaintiffs would be RIFed is even more speculative, plaintiffs clearly fall short of the irreparable injury standard set by the Supreme Court in Sampson v. Murray, supra. Moreover, at the time any such future speculated RIF becomes a reality, plaintiffs, of course, would be free to challenge its validity at that time.

II. PLAINTIFFS HAVE DEMONSTRATED NO LIKELIHOOD TO PREVAIL ON THE MERITS

A. Plaintiffs Have Failed To Exhaust Their Administrative Remedies

It is well-settled that applications for judicial relief must not be entertained until administrative remedies capable of rectifying the alleged wrong have been pursued to finality. McKart v. United States, 395 U.S. 185, 193-94 (1969); Myers v. Bethlehem Steel Shipbuilding Corp., 303 U.S. 41, 50-51 (1938); Wallace v. Lynn, 507 F.2d 1186, 1190 (D.C. Cir. 1974). "[T]his policy is particularly viable where an established scheme of decisionmaking might be undermined by permitting circumvention of administrative procedures." Wallace v. Lynn, supra, 507 F.2d at 1190.

All the OJJDP employees facing separation from OJJDP or a reduction in grade have available administrative remedies to pursue. If plaintiffs prevail in pursuing their administrative claims, they may seek reinstatement with back pay. Where, as here, resort to judicial review is contractually or statutorily contingent on the exhaustion of specified administrative remedies, fulfillment of that contingency is not discretionary with the courts. Weinberger v. Salfi, 422 U.S. 799 (1975); Bialovas v. United States, 443 F.2d 1047, 1048-49 (3rd Cir. 1971).

B. The Court Of Claims And Court Of Appeals Have Exclusive Jurisdiction Over The Subject Matter Of This Action

The Supreme Court has consistently held that where, as here, Congress has provided a special statutory review procedure designed to permit the exercise of agency expertise on particular problems, and district court jurisdiction would undermine the effectiveness of the statutory design, those procedures are deemed to be exclusive. Whitney National Bank v. Bank of New Orleans, 397 U.S. 411 (1965); Myers v. Bethlehem Shipbuilding Corp., 303 U.S. 41 (1965). All the OJJDP employees facing separation or a reduction in grade have available administrative remedies. Appeal from such administrative decisions lie exclusively, by statute, with the Court of Claims or Court of Appeals.

Eight of the nine plaintiffs who face separation or a reduction in grade as a result of the scheduled RIF have the negotiated grievance procedures available as their exclusive administrative remedy to challenge the RIF. 5 U.S.C. §7121(a)(1); Section 5 of Article XXIV of the negotiated contract. Appeals from the grievance procedures are taken to binding arbitration with limited right of appeal of the arbitrator's decision to the Federal Labor Relations Authority ("FLRA"). It is well-settled that an employee must attempt to exhaust any exclusive grievance and arbitration procedures established by that agreement before he may maintain a suit against his employer. Clayton v. Automobile Workers, 451 U.S. 679, 681-82 (1981); Republic Steel Corp. v. Maddox, 379 U.S. 650, 652-53 (1965). Judicial review of an FLRA order involving an arbitrator's award is not generally available, and, if available at all, can only be sought in the courts of appeals. 5 U.S.C. §7123(a). This Court therefore lacks subject matter jurisdiction over the claims of the eight union employees.

With respect to the one non-union employee scheduled to be separated from OJJDP as a result of the RIF, he must first exhaust his administrative remedies with the MSPB. Congress has designated the MSPB, an independent agency with special competence in considering challenges to personnel actions, including RIFs, as the appropriate administrative body to consider claims such as those raised by the one non-union plaintiff. Any appeals from MSPB decisions lie exclusively with the Court of Appeals or the Court of Claims. 5 U.S.C. §7703(b)(1). Thus, where, as here, plaintiffs seeking review of an administrative action have statutorily and contractually created administrative remedies followed by review in another court, the district court must dismiss the action for lack of jurisdiction over the subject matter. McCauley v. Waterman Steamship Corp., 327 U.S. 540 (1946); Nader v. Volpe, 466 F.2d 261, 272 (D.C. Cir. 1972).

C. The Plaintiff Is Unlikely To Prevail On The Merits

Plaintiffs are unlikely to prevail on the merits of any of their challenges to the legality of the scheduled RIF. The major thrust of plaintiffs' challenge to the proposed RIF -- that OJJDP employees were improperly included in the same competitive area with employees in their sister agency LEAA -- is completely without merit. The inclusion of OJJDP in the same competitive area with the other JSIA agencies was the direct result of plaintiffs' bargaining units' contract negotiations with the agency. The governing collective bargaining agreement places OJJDP within the same competitive area as the other JSIA agencies. (Article XVIII, Section 6(2)). Without regard to federal personnel regulations, when the competitive area is a negotiable issue in a bargaining unit agreement, such a determination is binding.

Plaintiffs also assert that OJJDP employees should not have been placed in the same competitive level as that of LEAA employees. Again, the Court should not put itself in a position to review the agency's determination of the competitive level for purposes of the RIF. Such a determination is precisely the type of administrative personnel action under the negotiated grievance procedures or before the MSPB. However, if the Court were to consider the merits of plaintiffs' argument that OJJDP employees should have been placed in a different competitive level, they would still not prevail. Even if competitive levels were established separately for OJJDP employees, employees in other competitive levels would still have had rights of bumping and retreat over OJJDP employees. Thus, the effect of the RIF on OJJDP employees even had those been a separate competitive level would not have significantly differed from the effect of the RIF as conducted.

Plaintiffs repeatedly refer to the major disruption in OJJDP operations as a result of the replacement of ten OJJDP employees with employees from LEAA due to OJJDP's unique experience with juvenile justice programs. This assertion, however, is totally undercut by the history of the relatively free movement of LEAA and other JSIA agency employees into OJJDP. Five of the ten OJJDP employees being separated and replaced were hired by OJJDP from LEAA a year and a half ago. Although several of these employees had no juvenile justice experience, this was not considered a disqualification in assuming a position in OJJDP. Until December of 1980, OJJDP was an office within LEAA. At the time it was established as a separate office, it conducted a major recruitment drive during which it sought to hire employees exclusively from the other JSIA agencies. In fact, pursuant to its recruitment activities, OJJDP hired approximately 30 employees from other offices within LEAA.

Reduced to its most simple form, plaintiffs are contending that the replacement of ten OJJDP employees, five of whom had previously transferred from LEAA, with 10 present LEAA employees would totally disrupt OJJDP operations. In essence, plaintiffs arge that replacement of five out of 64 OJJDP employees will so disrupt OJJDP operations that this Court should intervene to prevent their separation. Such a claim is clearly without merit.

Finally, plaintiffs assert that the RIF is unlawful because the officials implementing the RIF did not have authority to do so. For purposes of the separation or downgrading of OJJDP employees, defendant Lauer had the sole authority to effect the personnel status of plaintiffs. The Attorney General appointed Mr. Lauer as Deputy Administrator of OJJDP. Pursuant to 42 U.S.C. §5611(e):

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> There shall be in the Office [of OJJDP] a Deputy Administrator who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator from time to time assigns or delegates, *and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the Office*. (Emphasis added).

Because Mr. Lauer clearly acted pursuant to his statutory authority, plaintiffs' claim must fall.

Plaintiffs assert two provisions as the bases for their challenge to defendant Lauer's authority: (1) the Vacancies Act of 1868, as amended, 5 U.S.C. §3345 *et seq.*; and (2) Article II, Section 2 of the Constitution. Both these provisions, however, are entirely consistent with Mr. Lauer's authority as Deputy Administrator. The Vacancies Act is inapplicable to Mr. Lauer's appointment because it applies only to officials appointed by the President, with the advice and consent of the Senate. Mr. Lauer's authority, pursuant to a separate statutory provision, derives from the Attorney General and is not subject to the 30-day temporary status as positions subject to the Vacancies Act.

Nor is Mr. Lauer's authority in conflict with Article II, Section 2 of the Constitution. That section specifically provides, in pertinent part, that

> the Congress may by Law vest the Appointment of such inferior, officers as think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Congress, by virtue of 42 U.S.C. §5611(e) vested authority in the Attorney General to appoint a Deputy Administrator of OJJDP. In his exercise of that authority, the Attorney General appointed Mr. Lauer to the position of Deputy Administrator.

III. THE TRO PLAINTIFFS SEEK IS CONTRARY TO THE PUBLIC INTEREST

Congress has acted, through its appropriations procedures, to substantially reduce the workload of LEAA. There is no public interest in keeping on the government payroll employees who have no work to perform.

Moreover, the public interest here would not be served by disrupting a long-scheduled personnel action through the issuance of a TRO, and thereby rewarding plaintiffs for delaying their suit to virtually the last possible minute. It is an ancient maxim of equity that those who seek equity must do equity. E.g., Precision Instrument Mfg. Co. v. Automative Maintenance Machine Co., 324 U.S. 806 (1945). "This maxim is far more than a mere banality. It is a self-imposed ordinance that closes the doors to a court of equity to one tainted with unequitable or bad faith relative to the matter in which he seeks relief, . . ." Id. And "where a suit in equity concerns the public interest as well as the private interests of the litigants this doctrine assumes even wider and more significant proportions." Id. at 815.

CONCLUSION

For the foregoing reasons, the defendants respectfully request that the motion for a temporary restraining order be denied.

Respectfully submitted,

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Assistant Attorney General

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Office of Justice Assistance,
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Department of Justice

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHARON ANDRADE, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No. 82-4808
)
CHARLES A. LAUER, et al.,)
)
Defendants.)

ORDER

Upon consideration of plaintiffs' motion for a temporary restraining order, defendants' opposition thereto and the oral argument of counsel, it is by the Court this ____ day of March, 1982,

ORDERED that the plaintiffs' motion for a temporary restraining order should be and is hereby denied.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I have hand-served a copy of the foregoing Defendants' Opposition to Plaintiffs' Application for a Temporary Restraining Order and proposed Order, on March 26, 1982, on plaintiffs' counsel of record, Mona Lyons.

MARY E. GOETTEN

U. S. Department of Justice
Office of Legislative Affairs

MAY 0 5 1982

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 0 5 1982

The Honorable Ike Andrews
Chairman
Subcommittee on Human Resources
Committee on Education and Labor
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Pursuant to your request during the hearing of March 31 concerning the Office of Juvenile Justice and Delinquency Prevention, I am forwarding to you a description of the backgrounds of the nine individuals separated from the Office as a result of the Reduction-in-Force and the individuals who have replaced them. Also enclosed is a copy of the Fifth Analysis and Evaluation of Federal Juvenile Delinquency Programs.

The recommendations of the Coordinating Council on Juvenile Justice and Delinquency Prevention required by Section 206(c) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, have been prepared and are currently pending review and clearance by the Attorney General, who serves as Chairman of the Council. The recommendations will be forwarded to you immediately upon clearance. I am also enclosing for your information a copy of the brief filed by Charles Lauer, Acting Administrator of OJJDP, in response to the request for a temporary restraining order filed by several employees of OJJDP.

Sincerely,

Robert A. McConnell

Robert A. McConnell
Assistant Attorney General

New Employees
(Professional Only)

GS-301-13
Criminal Justice Program Specialist

1 year Clinical Social Worker, Boys Village of Maryland
1 year Probation Officer, Juvenile Court of the District of Columbia
1 year Supervisory Social Worker, Shaw Residence #1
1 year Research Social Worker, Institute of Criminal Justice & Procedure
1 year Director, Offender Rehabilitation Project, Public Defender Service of D.C.
2 years Acting Director, D.C. State Planning Agency
5 years Assistant Executive Director, Bureau of Rehabilitation
3 years Director, Youth Arbitration Center, Washington Urban League
4 years as Criminal Justice Program Specialist, Office of Community Anti-Crime, LEAA

GS-301-13
Criminal Justice Program Specialist

5 years Caseworker and Unit Supervisor, New York City Department of Social Services
1 year Director, Mary McLeod Bethune Senior Center, Department of Social Services
2 years Program Development Specialist Department of Community Affairs
1 year Program Director, NY State Department of Mental Hygiene, Bronx Psychiatric Center
2 years as Assistant Chief, Monitoring & Evaluation, NY Department of Criminal Justice Services
3 years Adjunct Professor, Pepperdine University
4 years as Criminal Justice Program Specialist, Office of Community Anti-Crime, LEAA

GS-301-13
Law Enforcement Police Specialist

3 years Executive Assistant To Mayor, City of Madison
7 years as Law Enforcement Police Specialist, LEAA

GS-301-13
Criminal Justice Program Specialist

1 year Budget Analyst, Bureau of Census
3 years Budget Analyst, Federal Highway Administration
1 year Budget Analyst, LEAA
4 years as Financial Officer in California Regional Office, LEAA
3 years as Program Specialist in California Regional Office and LEAA Headquarters
2 years as Criminal Justice Program Specialist in the Adjudication Division, LEAA

GS-301-13
Criminal Justice Program Specialist

3 years as Executive Director, Saginaw County Community Actions Committee, Inc.
8 years as Criminal Justice Program Specialist in the Denver Regional Office, LEAA and the Office of Community Anti-Crime

GS-1701-13
Law Enforcement Education Specialist

5 years Human Relations Representative, State Government
6 years Assistant Professor, Temple University/Immaculate College
2 years Program Specialist in Chicago Regional Office, LEAA
5 Years Law Enforcement Education Program Specialist in LEAA

GS-301-13
Law Enforcement Program Specialist

LL.M in Criminal Justice; JD
7 months with the Vermont Governor's Commission on the Administration of Justice
2 years as Staff Attorney/Consultant to the Boston Regional Office National Center for State Courts
1 year as Program Specialist in Boston Regional Office, LEAA

3 years as Criminal Justice Program Specialist, LEAA Adjudication Division
10 months as Executive Assistant to the Administrator, OJARS
10 months as Attorney/Analyst, Office of General Counsel, OJARS
4 months as Law Enforcement Program Specialist in LEAA's National Victim/Witness Assistance Program

GS-301-15
Director, Manpower, Training and Evaluation Division

19 months Manager, Operation Research Laboratory, the Franklin Institute Research Laboratories, Philadelphia
3½ years Deputy Director, National Institute of Law Enforcement and Criminal Justice
21 months Technical Advisor and Analyst, Office of the Deputy AG OF the U.S. (on detail from LEAA)
3 months Technical Advisor and Special Assistant to the Deputy Attorney General of the U.S.
7½ years Director, Program Development and Evaluation Staff

GS-345-13
Program Analyst

2 years as Criminal Justice Program Specialist in Philadelphia Regional Office, LEAA
2 years as Special Assistant to the LEAA Regional Administrator for Federal Regional Council Affairs
2 years as Criminal Justice Program Specialist in Philadelphia Regional Office, LEAA
5 years as Program Analyst, LEAA

SEPARATED EMPLOYEES

GS-301-13
Juvenile Justice Program Specialist

4 years with Rhode Island State Planning Agency as Criminal Justice Planner - Corrections

2 Years in LEAA as Law Enforcement Program Specialist (Corrections)

1 1/2 years with Juvenile Justice Program

GS-301-13
Juvenile Justice Program Specialist

1 year Social Worker at Family Service Bureau, United Charities

2 years as Administrator, Puerto Rician High School

2 years as Teacher/Social Worker at Chicago Board of Education

1 year Senator Percy's staff as Legislative Assistant

5 years with Juvenile Justice Program

GS-301-13
Juvenile Justice Program Specialist

1 year with Human Service Agency as Volunteer, Program Coordinator and Consultant regarding a juvenile diversion program

2 years as a Volunteer Probation Counsel, Separate Juvenile Court Douglas County

1 year Research Assistant, NIJJDP

2 years with LEAA as Program Assistant/Law Enforcement Specialist

4 years with the Juvenile Justice Program

GS-301-13
Juvenile Justice Program Specialist

4 years with Pennsylvania State Planning Agency as Criminal Justice Planner

2 years as Program Analyst in LEAA's Block Grant Program

1 1/2 years with the Juvenile Justice Program

GS-301-11

3 years with LEAA as Program Assistant working in a Regional Office, and Adjudication Division

1 1/2 years with Juvenile Justice Program

GS-301-11

1 year Research Assistant, NIJJDP (Temporary appointment)

1 year Indian Affairs Division, LEAA

1 year Writer/Editor, LEAA

1 year Program Manager of Arson Program, LEAA

1 1/2 years with Juvenile Justice Program

GS-301-15

Technical Advisor to the Administrator, OJJDP

5 1/2 years as Deputy Probation Officer, Alameda County Probation Department

5 years as Supervising Parole Agent, California State Youth Authority

2 years with Bay Area Social Planning Council as Executive Investigative Criminologist

4 years as Confidential Consultant to the Commissioner, Office of Youth Development and Delinquency Prevention

3 years Director, Field Services, LEAA

1 1/2 years IPA in Howard County -- served as Administrator, Office of Criminal Justice Planning

2 1/2 years with Juvenile Justice Program

GS-301-13
Juvenile Justice Program Specialist

5 years as Probation Counselor, Fairfax County, Virginia Juvenile and Domestic Relations District Court

2-1/2 years as a Social Science Program Specialist, National Institute of Law Enforcement and Criminal Justice, LEAA

1 year as a consultant to the Northern Virginia Planning District Commission

7 months as a Program Analyst, LEAA

5 months as a Program Specialist in LEAA's Victim-Witness Program

1-1/2 years with the Juvenile Justice Program

Priority Placement and Referral System (PPRS) List

Established pursuant to the Attorney General's memorandum of April 8, 1982, the following list contains availability information on competitive status Department of Justice (DOJ) personnel who have been or may be separated by reduction-in-force (RIF). DOJ components are prohibited from filling competitive service vacancies from outside sources, by assignment between bureaus, and through competitive internal merit promotion/staffing procedures while qualified and available PPRS candidates remain to be placed. If a vacancy arises in one of the series, grades, and locations identified below, the DOJ component having the vacancy must contact its respective bureau level (headquarters) personnel office for further review and referral of qualified PPRS candidates.

Identifier	Series	Grade(s)	Tenure Group	Registration Date	Separation Date	Availability by Location
1002	301 345	12,13,14 12,13,14	IB	3/18/82	3/26/82	D.C.; Miami, Fla.; NYC, N.Y.; San Juan, PR.
1003	301 343 345	11,12,13 11,12 11,12	IB	3/18/82	3/26/82	D.C.
1004	301 345	13 13	IB	3/15/82	3/26/82	D.C.
1005	101 301 345	14,15 14,15 14,15	IB	3/18/82	3/26/82	D.C.; CA; WA; OR; CO; MI.
1006	341 345 1410	12,13 12,13 11	IB	3/30/82	3/26/82	D.C.
1007	301 343 345	12,13 12,13 12,13	IB	3/30/82	3/26/82	D.C.
1008	301 345	13,14,15 13,14,15	IB	3/30/82	3/26/82	D.C.
1009	301 343 990	7,9 5,7 5	IIB	3/22/82	3/26/82	D.C.
1010	101 301 345	11,12,13,14 11,12,13,14 11,12,13,14	IB	3/26/82	3/26/82	D.C.
1011	160 301 345	13 12,13 12,13	IB	3/29/82	3/26/82	Nationwide
1014	301 345 1101	13,14 13,14 13,14	IB	3/26/82	3/26/82	D.C.; OR; WA; ID; CA; NV; AZ.
1015	080 301 1701	12,13 13,14 14	IA	3/31/82	3/26/82	D.C.; PA; MD; DE; WV; VA; KY; TN; NC; SC; GA; AL; MS; FL.
1016	301 950 1035	5,7,9,11,12 5,7,9,11,12,13 7,9,11,12,13	IB	3/31/82	3/26/82	D.C.
1017	101 301 345	12,13,14 12,13 14 12,13,14	IB	4/01/82	3/26/82	D.C.; WA; OR; ID; PA; WV; VA; MD; DE; ME; VT; NH; CT; RI; MA; N.Y.; NJ.
1018	303 305 350	3,4,5 3,4,5 3,4	IB	3/25/82	3/01/82	New York City
1019	318 540 1102	3,4,5,6,7 3,4,5,6 3,4,5,6,7	IB	4/12/82	11/27/81	Billings, Mont.
1020	675 679 305	5,6 5,6 5,6	IB	4/12/82	3/08/81	Atlanta, Ga.
1021	305 2005 303	4,5 4,5 4,5	IA	4/12/82	11/27/81	D.C.
1022	WS-05406	9	IA	4/12/82	2/07/81	Atlanta, Ga.
1023	101 301	13,14,15 13,14,15	IIB	4/17/82	9/04/81	D.C.
1024	301	12,13	IB	4/08/82	3/26/82	D.C.

EXCERPTS FROM FIFTH ANALYSIS AND EVALUATION OF FEDERAL JUVENILE DELIQUENCY PROGRAMS, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

EXECUTIVE SUMMARY

More than 40 separate Federal programs deal with some facet of the delinquency problem--unemployment, adolescent health, gangs, learning disabilities, etc. Rarely are these programs able to integrate their resources to attack the Nation's delinquency problem or to address the full range of factors critical to enabling youth to develop as productive, participating members of society. Instead each program has its own regulations, funding procedures, eligibility requirements, and application and certification forms. Taken as a whole, the programs encourage widely diverse and potentially conflicting solutions to closely related problems.

Recognizing the need for a comprehensive, coordinated effort, the Juvenile Justice and Delinquency Prevention Act created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as a focal point to guide Federal efforts to reduce delinquency. The Act also created the Coordinating Council on Juvenile Justice and Delinquency Prevention, an independent executive branch organization chaired by the Attorney General, and a Presidentially appointed citizens body, the National Advisory Committee on Juvenile Justice and Delinquency Prevention.

Each year OJJDP, with the assistance of the Coordinating Council and the National Advisory Committee, is required to develop an analysis and evaluation of Federal programs related to delinquency. This report is OJJDP's response to this mandate for calendar year 1980.

This year's report differs in format and content from previous reports in that it:

- Focuses exclusively on an analysis of the total Federal delinquency effort, thereby omitting detailed reporting on internal OJJDP activities;
- Provides a more detailed analysis of the critical dimensions of Federal youth programs; and
- Provides information in a form that should be more useful in assisting the Coordinating Council and others to set priorities among the wide range of issues and programs involved.

These changes have been made as part of an evolving process to provide policymakers with more usable and useful information. Future reports will contain an Analytical Component, which will not only analyze and describe the overall Federal effort but also contain special analyses of specific aspects of the effort. It will also include a Planning Component, which will document progress made in implementing priorities established by OJJDP and set out recommendations to the President and Congress.

As a first step in this process, the 1980 Report has several limitations in scope. The report focuses only on programs that provide financial assistance to States or localities. It is primarily descriptive in nature. The report does not include evaluations of program effectiveness nor does it include special analyses of specific aspects of the Federal delinquency prevention effort. It also does not contain detailed policy and program recommendations.

However, the report does provide a firm foundation on which future reports can build. It contains the richest source of information developed to date on Federal delinquency-related programs. The report contains:

- A description of 45 programs and an analysis of their objectives and strategies, target populations, expenditures, and future plans; and
- A description of the activities and plans of the Coordinating Council and the activities of OJJDP related to coordinating Federal programs.

OVERVIEW OF FINDINGS

The study identified 45 separate Federal programs that provide assistance to State and locally operated youth programs. These 45 programs are spread over seven cabinet-level departments and two independent agencies. Three departments--Education, Labor, and Health and Human Services--encompass 64 percent of the programs and 95 percent of the total obligations. The 45 programs are authorized under 25 separate Congressional acts, and more than half are based on Congressional action since 1970. Approximately $5.5 billion was expended on services to youth under the age of 18 in fiscal year 1980.

The exact relationship of many of these programs to the prevention or reduction of delinquency is ambiguous. Juvenile delinquency is a complex phenomenon having a wide variety of causes and requiring multiple responses for its prevention and treatment. For the most part, each of the programs studied addresses one or more of the key factors that have been identified through research as having a relationship to delinquency. These include:

- Family stability and attachment;
- Success and involvement in school;
- Success and involvement in work;
- Successful involvement in the community;
- Association with positive peer groups; and
- Belief and commitment to law-abiding behavior.

Upon closer examination, however, the programs vary widely in the extent to which they are explicitly concerned with the reduction or prevention of delinquency, the extent to which their funds are expended on delinquent youth, or even the extent to which there is an awareness of client contacts with the juvenile justice system. The specific findings summarized below suggest that a large number of Federal programs are potentially available to address the problem of delinquency, but that only a small number actually are doing so as a major programmatic thrust.

Programmatic Relationship to the Prevention or Treatment of Delinquency

- Of the 45 programs studied, only 9 (20 percent) have the reduction or prevention of delinquency explicitly stated in their legislation. Five others refer to juvenile delinquency in their regulations, guidelines, or other official documents. These 14 programs are administered by six cabinet-level departments and one independent agency.
- Only one third (13) of the 39 programs responding to the survey reported that they serve youth who have had formal contact with the juvenile justice system. Even for these programs, the percentage of clients having formal contact with the justice system is generally low. (It should be noted that many programs were not aware of whether any of their clients had formal contacts.)
- Nine programs reported that some portion of their expenditures was specifically targeted for delinquent youth. In seven of the nine programs, this portion was less than 10 percent of total funds. The total amount targeted for delinquent youth was $60.98 million, or about 1 percent of the entire amount expended on services to youth by the 45 programs.
- Of the $60.98 million expended on delinquent youth, 78 percent (or $47.4 million) came from OJJDP in the Department of Justice.
- Only five programs outside of OJJDP indicated any significant involvement in efforts to deinstitutionalize status offenders and dependent and neglected youth, a specific mandate contained in the JJDP Act. Those programs involved in deinstitutionalization indicated that a major obstacle to success has been the scarcity of alternative direct service programs at the community level.
- Nine Federal programs reported spending approximately $225 million on institutional services for youth, or less than 5 percent of the total amount expended on services to youth by the 45 programs.

Program Objectives and Strategies

- When programs are classified according to their primary area of emphasis, 29 percent focus on educational activities, 18 percent on employment, 20 percent on physical and mental health, 15 percent on social services, and 18 percent on combinations of these activities. When broken down by percentage of total Federal funds devoted to these activities, 49 percent of total funds is targeted to employment activities, 25 percent to education, 17 percent to social services, 4 percent to physical and mental health, and 5 percent to combinations.

- Based on the program strategies employed, nearly all of the 45 programs are potentially related to the prevention of delinquency (although only 14 programs have delinquency prevention as an explicit objective). Few programs, however, appear to be concerned with treatment of delinquency or responses to delinquent behavior.
- Altogether, the programs studied provide a very similar range of direct services--primarily mental health, education, and employment related counseling and services. Most programs offer several different services (five or more).

Program Target Populations

- With respect to target populations, the programs are highly specialized and segmented. The legislation and regulations governing these programs have created a complex latticework of eligibility criteria. The 39 programs responding to the survey serve 64 youth target groups with 111 differing types of eligibility criteria. Only 10, or 16 percent, of the 64 program target group definitions are written in such a way that they are open to participation by all youth. The remaining 54 place at least one type of restriction on eligibility to receive program benefits, and most have two or more types of restrictions.
- The eligibility criteria fall into a broad range of categories, the most common of which are based on a youth's behavioral characteristics, educational status, income level, or membership in a minority group.
- There is no standardization of definitions of target groups served by the programs. Eligibility criteria have evolved independently through separate pieces of legislation and regulations.

Program Expenditures

- The total expenditures for the programs included in the survey were $15.74 billion in fiscal year 1980. This compares with $3.32 billion in fiscal year 1971. More than half of this increase is accounted for by growth in DOL programs. In FY 1980, CETA programs accounted for $7.49 billion of the $15.74 billion.

- In fiscal year 1980, the 45 programs expended approximately $5.5 billion on youth under 18 years of age. The remainder of the $15.74 billion was expended on older client groups.

- DOL (48.8 percent), ED (25.04 percent) and HHS (20.2 percent) accounted for the largest shares of total program obligations for fiscal year 1980.

- Over the 1970-1979 period, project grants represented 51 percent of the programs, but account for only 15 percent of total dollar outlays. Formula grants represented only 34 percent of total programs, but 87 percent of total outlays.

- As might be expected, formula and project grant outlays correlate closely with State population. The five largest States account approximately for one third of all outlays for formula and project grants.

IMPLICATIONS OF THE FINDINGS

As stated previously, the intent of this report has been to describe the overall Federal effort in relation to juvenile justice and delinquency prevention. No explicit attempt has been made to determine how effectively the programs are performing or how efficiently they are organized and managed. Review of the findings, however, reveals a number of potential implications for the long-range direction of Federal efforts in these program areas.

The immediate future poses both problems and opportunities for the existing set of Federal programs. On the one hand, with a halt to the growth in Federal resources, many programs face cutbacks or even termination. On the other hand, there may be some unique opportunities for consolidation, redirection, or relaxation of restrictions that inhibit coordination, and for experimentation with new models of intergovernmental relations.

The following implications, drawn from the findings, have been categorized into three areas to reflect the potential arenas where actions may be taken:

- Federal policy;
- Organization of the Federal effort; and
- Intergovernmental relations.

Federal Policy on Juvenile Justice and Delinquency Prevention

> There is a need to clarify Federal policy and priorities in order to provide a clearer focus and direction with regard to strategies for reducing delinquency and improving the juvenile justice system.

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The programs studied cover a wide range of approaches and target populations, and differ considerably in their degree of direct involvement with delinquent youth. The findings suggest a need to clarify Federal policy on issues such as:

- The relative emphasis to be placed on the disposition and treatment of delinquent youth, as opposed to the prevention of initial delinquent behavior.
- Particular services or program strategies that are considered to be most effective and needed (e.g. employment services, educational change, counseling)
- The degree of emphasis placed on providing direct services to youth, as opposed to seeking ways to modify or improve some of the organizational components of the juvenile justice system.
- The relative focus on general youth populations, populations defined as being at "high risk," or adjudicated delinquent populations.

The development of policy statements on such issues might provide greater focus to a widely diverse set of Federal programs, many of which do not currently recognize the impact they may be having or could potentially have on delinquency.

Organization of the Federal Effort

As Federal policy with regard to juvenile justice becomes more clearly defined and focused, there may be a need to examine opportunities to reorganize or consolidate existing programs.

The findings suggest that reorganization or consolidation may be needed to assist in:

- Concentrating resources to address the particular needs of delinquent youth;
- Increasing policy consistency among Federal programs; and
- Reducing the complexity of eligibility criteria and administrative burden and costs at the Federal, State, and local levels.

The processes of consolidation and redirection will probably require a single organizational focal point for both coordination and concentration of efforts.

Even with considerable consolidation or reorganization, programs that impact on efforts to reduce or prevent delinquency are likely to be spread over several Federal departments. Each of these needs to be made more aware of how it relates to the overall Federal effort and how its resources can be directed to the areas of greatest need. Whether this focal point continues to be OJJDP, the Coordinating Council, or a new entity, there appears to be a need for an organizational unit with lead responsibility to:

- Ensure that adequate Federal resources are directed towards programs dealing with delinquent youth, whether they are in institutions or other parts of the juvenile justice system;
- Provide coordination for the larger set of Federal programs and policies that impact on efforts to prevent delinquency. The areas where coordination appears necessary are:
    - Review of program initiatives, legislative proposals, and research;
    - Procedural or legislative reform and changes in regulations (e.g. simplifying eligibility criteria for particular programs);
    - Management oversight and program accountability;
    - Public education efforts (to ensure that consistent policies, objectives, and strategies are communicated to State and local agencies and citizens);
    - Multiple efforts directed at the same local agency (e.g. schools, employment and training agencies).

Intergovernmental Relations

State governments and local communities face many of the same problems and conditions as the Federal government in trying to coordinate a variety of programs related to juvenile justice and delinquency prevention. They have to deal with a complex maze of programs with different funding sources, eligibility criteria, and specialized rules and regulations. They also have to see that adequate resources and services are directed to youth who have become involved at all levels of the juvenile justice system. Consolidation and coordination efforts will therefore be needed at all levels of government. The Federal government can play a major role in:

- Disseminating information about State and local coordination models that have been successful and providing technical assistance to State and local governments in designing or implementing a coordination effort; and

- Providing a structured feedback mechanism regarding the operational impact of Federal programs to allow for the development of more flexible and innovative approaches at the local level.

FEDERAL COORDINATION ACTIVITIES AND PLANS

The JJDP Act assigned overall responsibility to OJJDP for coordinating the Federal delinquency prevention and control effort. The Act also created the Coordinating Council on Juvenile Justice and Delinquency Prevention to facilitate coordination and make recommendations to the Congress and the President on overall Federal policy and the development of objectives and priorities for Federal juvenile delinquency programs and activities.

Coordinating Council

During 1980, the Coordinating Council's mandate was renewed by the Juvenile Justice Amendments, which also expanded Council membership.

During the year, the Coordinating Council took significant steps towards developing a working agenda and set of procedures and priorities for Council action. The Council:

- Prepared draft bylaws that address membership requirements, meeting procedures, and Council operations;
- Sanctioned a systematic effort to obtain information on Federal programs; and
- Initiated a structured priority-setting process designed to provide focus to the Council's activities. As a result of this process, the Council identified three areas considered most important for Council action:
  - Deinstitutionalization of status offenders;
  - Separation of juveniles from adults in correctional facilities; and
  - Services for seriously mentally disturbed and mentally retarded offenders.

In addition to these activities, the Council continued its ongoing efforts to improve the coordination of Federal delinquency-related programs by:

- Acting as a forum for information exchange among key Federal agencies concerned with youth;
- Facilitating the development of a partial information base on Federal programs relating to delinquency; and
- Reviewing several joint funding agreements between OJJDP and other Federal agencies.

Because of the change of Administration at the close of 1980, the priority-setting process and other Council plans were not completed. However, the work accomplished in 1980 provides the new Council with a firm foundation for setting its own priorities and developing its own implementation agenda.

OJJDP

In carrying out its mandate for implementing overall policy and developing objectives and priorities for Federal juvenile delinquency programs, OJJDP works closely with the Coordinating Council. During 1980, the Office's coordination activities included:

- Review of proposed regulations being developed by several other Federal agencies to help insure that these programs would properly reflect priorities detailed in the JJDP Act;
- Establishment of four interagency agreements to fund programs jointly with other Federal departments and agencies; and
- Sponsorship of two ongoing studies: one to assess the policies of five Federal agencies on the detention and confinement of youth in their facilities or under their care; and a second by the National Academy of Sciences to assess the policies of seven Federal programs that impact on the deinstitutionalization of status offenders and non-offenders.

CONCLUSION

Legislative and budgetary changes now under consideration by the Administration and Congress may result in reductions in Federal resources and services targeted at troubled youth and delinquents. Under a more austere Federal budget, OJJDP and the Coordinating Council could play an important role in helping to focus the Federal effort on selected priority areas. As OJJDP and the Coordinating Council continue to work closely together, they will address this and other issues, utilizing the information base in this report to examine Federal policies and programs and to identify legislative, programmatic, and administrative changes that can increase the effectiveness and efficiency of the Federal effort to combat delinquency.

Chapter I

Introduction

In passing the Juvenile Justice and Delinquency Prevention Act of 1974 Congress explicitly recognized both the seriousness of juvenile delinquency as a national problem and the enormous difficulty of reducing it.

Juveniles continue to account for over 25 percent of all arrests for serious crimes. Yet youth crime does not have a single simple cause, and no single solution for prevention, treatment, or control has proven to be effective. Much of the effort required is beyond the scope of the juvenile justice system. Drop out rates in many urban schools exceed 50 percent; and unemployment for youth under 18 has been officially estimated at over 20 percent, with much higher rates for minorities. Clearly, economic, social, and educational resources are required as well.

Within the Federal structure, a multi-disciplinary approach means a multi-agency approach. But Federal responses to youth problems have not developed in a comprehensive and coordinated fashion. Rather, they have evolved disparately over the past 20 years, often in response to public outcries or narrow constituencies. More than 50 separate Federal programs deal with some particular facet of the youth problem--unemployment, adolescent health, gangs, learning disabilities, etc. Rarely are these programs able to integrate their resources to attack the Nation's delinquency problem or to address the full range of factors critical to enabling youth to develop as productive, participating members of society. Instead each program has it own regulations, funding procedures, eligibility requirements, and application and certification forms. Taken as a whole, the programs encourage widely diverse and potentially conflicting solutions to closely related problems.

Recognizing the need for a comprehensive, coordinated effort, the Juvenile Justice and Delinquency Prevention Act attempted to create a central focal point to guide Federal efforts to reduce delinquency. The Act established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice and charged it with the responsibility to "implement overall policy and develop objectives and priorities for all Federal delinquency programs and activities." The Act also created the Coordinating Council on Juvenile Justice and Delinquency Prevention, an independent Cabinet-level body chaired by the Attorney General with the Administrator of OJJDP as Vice Chairman. The Council is charged with coordinating "all Federal juvenile delinquency programs."

Each year, OJJDP, with the assistance of the Coordinating Council and the Presidentially appointed citizens' National Advisory Committee, is mandated to develop an analysis and evaluation of Federal programs related to delinquency, including a comprehensive plan for the future of these programs, containing "recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs."

PURPOSE OF THE REPORT

This report, the Fifth Annual Report on Federal Juvenile Delinquency Programs, represents OJJDP's response to this mandate of Congress for calendar year 1980. These annual reports are intended ultimately to present the President and the Congress with a plan for the coordination of Federal programs related to juvenile justice and delinquency prevention, with the objective of:

- Determining appropriate Federal roles and overall policies;
- Improving the effectiveness of Federal programs in reducing delinquency;
- Increasing the efficiency of the organization and management of Federal activities; and
- Facilitating implementation of effective programs at the State and local levels.

Beginning with this report, OJJDP has instituted several changes in the format and content of these annual reports so that they can better serve as both a resource for and a reflection of Federal policy-making. Future reports will contain both an Analytical Component and a Planning Component. The Analytical Component will provide a comprehensive description of all Federal programs and activities that are reasonably directly related to juvenile justice or the prevention of juvenile delinquency. It will also contain special analyses of various aspects of this effort such as the degree of accomplishment in meeting specific programmatic objectives, the effect of program eligibility criteria, the role and organization of technical assistance and training activities, the administrative impact of programs on States and localities, responsiveness to youth problems, etc. The special analyses presented will vary from year to year in response to the policy directions taken by Congress and the Administration. The Analytical Component is intended to be an ongoing informational resource for Federal, State, and local planners and policy-makers.

The Planning Component of the Report will document the priorities established by OJJDP and the Coordinating Council, along with the actions they have taken to improve the coordination of Federal efforts to reduce delinquency. It will also communicate to the President and the Congress their recommendations for:

- Legislative changes;
- Budgetary proposals;
- Federal policy definition;
- Reorganization;
- Revised regulations and guidelines;

Despite its limitations, the 1981 report provides a firm foundation on which future reports can build. Through the use of a newly developed survey instrument and various supplementary financial and program data bases, this report is the richest source of information developed to date on Federal delinquency programs. Future reports will broaden this base and should help to guide future policy on the basis of a sound understanding of needs and constraints.

REPORT OVERVIEW

The remainder of this report includes:

- Chapter 2: Analysis of Federal Programs Related to Juvenile Delinquency--describes 45 Federal youth programs and analyzes their objectives and strategies, target populations, expenditures, and future plans. Key findings and implications are highlighted.
- Chapter 3: Federal Coordination Plans and Activities--describes the activities and plans of the Coordinating Council on Juvenile Justice and Delinquency Prevention, as well as the activities of OJJDP related to coordination of Federal programs.
- Chapter 4: Recommendations--contains recommendations to the President and the Congress on improving the coordination of delinquency-related programs.
- Appendices--includes supplementary tables related to the analysis of Federal programs.

Chapter IV

Recommendations

The Juvenile Justice and Delinquency Prevention Act vests responsibility for coordination of Federal efforts in juvenile delinquency both with the Administrator of OJJDP and the Coordinating Council on Juvenile Justice and Delinquency Prevention. The Act requires in section 204(b)(5) and in section 206(c) that the Administrator and the Council, respectively, submit to Congress and to the President their recommendations for improvements in the coordination of Federal efforts. The recommendations were developed by OJJDP and endorsed by the Coordinating Council at its July 29, 1981 meeting.

These recommedations are based upon the findings and implications section of this report. As such, they come with the limitations to the report noted in that section. However, they provide a realistic view of what can be accomplished through coordination of Federal efforts to prevent and control juvenile delinquency in the near future.

The recommendations proposed in this report are geared toward enabling Federal programs to work together and with State and local governments to develop and implement strategies to increase program flexibility. The seven recommendations fall into three categories:

1. An emphasis on serious and violent juvenile crime;
2. Coordination of Federal agency efforts in research, training, technical assistance, program planning, and policy development; and
3. Simplification of Federal eligibility and target population criteria to permit State and local program flexibility.

The 1980 amendments to the Juvenile Justice and Delinquency Prevention Act (P.L. 96-509) required OJJDP to develop and implement programs that respond to serious and violent crime. The level of such crime has grown over the past 15 years and public fear of violent juvenile crime has increased appreciably in the past several years. With those considerations in mind, OJJDP is recommending an approach to controlling serious and violent juvenile crime that focuses the efforts and resources of several Federal agencies in a coordinated attack on the problem.

Much has been said about coordinating the Federal effort in youth programming in general, and about coordinating juvenile delinquency prevention and control efforts specifically. In this report, OJJDP recommends several beginning, crucial steps to translate that rhetoric into reality. OJJDP proposes to begin those efforts with the support and advice of the Administration, and the Congress.

Recommendations

1. The Administration should undertake an interagency effort to test promising approaches to reducing and controlling serious and violent juvenile crime. This effort should involve the coordination of resources among agencies in research, training, technical assistance, evaluation, and information dissemination as well as program development. The input of State and local elected and appointed officials, and of organizations representing these officials, should be actively sought and incorporated into Federal program planning and development activities regarding serious and violent juvenile crime.

2. The Administration should support a process that would facilitate interagency planning to coordinate technical assistance, training, research, and program development for Federal juvenile delinquency-related programs.

3. Federal agencies providing financial or other forms of assistance to remove status and other non-offenders from secure facilities should coordinate their efforts to develop and implement community-based programs, services, and facilities. Agencies that provide financial or other assistance to juvenile institutional programs should undertake efforts to assure that those institutions meet the statutory provisions of Federal youth-related legislation such as the Juvenile Justice and Delinquency Prevention Act, the Adoption Assistance and Child Welfare Act of 1980, the Indian Child Welfare Act, and the Mental Health Systems Act.

4. The Coordinating Council on Juvenile Justice and Delinquency Prevention should provide input to the Office of Management and Budget on priorities for Federal delinquency-related programs to assist OMB in reviewing the budgets of Federal programs. This process should have as its goal the concentration of Federal resources and the consistency of Federal policy with respect to juvenile delinquency prevention and control. The Coordinating Council, as part of the process outlined in recommendation 7, should solicit the views of State and local elected and appointed officials, to assist them in the formulation of priorities for forwarding to the Office of Management and Budget.

5. The Administration should undertake an interagency evaluation of successful models of coordination of planning, administration, and delivery of youth services at the State and local level. The Federal government should assist State and local governments by providing technical assistance in developing and implementing coordination models. This effort should examine the impact upon the delivery of services of changes in the funding patterns for youth services.

6. The Administration and the Congress should undertake efforts to increase program flexibility at the State and local government level. Among the issues such efforts should consider is the development of standard target population definitions and reduced and more uniform eligibility criteria. OJJDP's Fifth

Annual Analysis and Evaluation identified 64 target groups and 111 eligibility criteria for service among the 39 Federal programs responding to the survey of Federal youth programs. Reductions in the number and development of standard criteria should be accomplished either through legislative or regulatory change or through the design of mechanisms to permit waiver of such requirements in joint funding efforts. The Coordinating Council on Juvenile Justice and Delinquency Prevention should examine a limited number of areas to determine the feasibility of this process and submit its findings and recommendations with respect to the simplification of eligibility criteria and development of standard target group definitions. The Coordinating Council should pursue these efforts in conjunction with representatives of State and local elected officials.

7. The Coordinating Council on Juvenile Justice and Delinquency Prevention, in conjunction with the Advisory Commission on Intergovernmental Relations, should conduct hearings, meetings, conferences or other such forums as necessary to permit State and local governments to provide input to Federal agencies regarding the operational impact of Federal youth programs. The development of a participatory partnership to implement this process is encouraged. Cooperative agreements should be developed to carry out tasks that would permit State and local officials and private not-for-profit agencies to present their views to the Federal government. This mechanism would permit the Federal government to assess the impact of its guidelines, regulations, and legislation while permitting more flexible and innovative approaches to service delivery at the State and local level.

U.S. Department of Justice

Office of Juvenile Justice and
Delinquency Prevention

Washington, D.C. 20531

Insert APP 43-35pp

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The Honorable Ike F. Andrews
Chairman
Subcommittee on Human Resources
2178 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

In December of 1980, Congress reauthorized the Juvenile Justice Act setting in place a new mandate requiring the removal of juveniles from jails and lock-ups in which adult offenders might also be detained. This new provision, the "Jail Removal Requirement", built on the deinstitutionalization philosophy of the legislation, significantly upgrading previous attention under that measure to the practices of states and their local units with respect to the detention of accused juveniles.

However, responding to concerns that inadequate information existed concerning the impact of this new requirement in the states, Congress, while proceeding with its enactment, also provided that within 18 months of the Act's reauthorization (by June 8, 1982) the Office of Juvenile Justice and Delinquency Prevention (OJJDP) complete for submission to Congress a report encompassing the following:

(1) An estimate of the costs likely to be incurred by the states in implementing the jail removal requirement.

(2) An analysis of the experience of states which currently require the removal of juveniles from adults in all jails and lock-ups.

(3) An analysis of possible adverse ramifications which may result from the requirement of removal, including an analysis of whether such a requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities.

(4) Recommendations for such legislative or administrative action as the OJJDP Administrator considers appropriate.

Of the 31 jurisdictions tapped for the study only one, by reason of certain data deficiencies, declined participation in the survey.

The full report is submitted to you in three volumes. Volume 1 is the summary. Volume 2 contains (1) the development and application of the costs models of alternatives to jail; (2) analysis of state survey responses; (3) experiences of jurisdictions which have implemented removal; and (4) observed and perceived ramifications of the removal requirement. Volume 3 provides supporting documentation, including a summary of the survey information provided by each state.

I hope you will find this report to be interesting and useful.

Sincerely,

CA Lauer

Charles A. Lauer
Acting Administrator
Office of Juvenile Justice
and Delinquency Prevention

Enclosures

JAIL REMOVAL COST STUDY

VOLUME I

This document was prepared by the Community Research Center of the University of Illinois under grant number 82-JS-AX-0004 awarded by the Office of Juvenile Justice and Delinquency Prevention.

May, 1982

FOREWORD

The Jail Removal Cost Study is an examination of costs, experiences and ramifications of removing children from adult jails and lockups. This study was prepared by the Office of Juvenile Justice and Delinquency Prevention on the instruction of Congress as set forth at Section 17 of the Juvenile Justice Amendments of 1980 (P.L. 96-509).

Congress, in providing for the study, placed emphasis on the development of an estimate of costs likely to be incurred by states in removing juveniles from adult jails and lockups. The origin of this interest was the addition to the provisions of the Juvenile Justice and Delinquency Prevention Act of a requirement that such action be undertaken in the states.

Generally, data collected preparatory to formulation of this report indicated that the cost of jail removal is a function of the policy decisions made by a jurisdiction in proceeding to its implementation: a decision to place all juveniles currently housed in adult jails and lockups in secure detention will result in one cost figure while a decision to place juveniles in one of several less restricting, non-institutional options will create another set of costs. A mix of secure placements and less restrictive options creates still a third cost figure. The basis for developing a precise national figure for removal of juveniles from adult jails and lockups is not available. Many jurisdictions are not in a position to provide firm cost estimates; other jurisdictions, in responding to questions concerning cost, projected removal costs for a greater number of juveniles than they reported are currently held in jails and lockups. A $118.8 million figure can be deduced by totaling the cost figures provided by respondents to the survey of states concerning jail removal. This figure is based on response to questions concerning costs from 60% of the jurisdictions surveyed.

Nonetheless, the impact of cost can be assessed from hypothetical estimations drawn on data developed in the course of the study:

-- *Jurisdiction A* places 100% of a caseload of 100 in secure detention for an average length of stay of 10 days. Given an average cost of $69.74 per bed per day, placement of these 100 juveniles in secure detention for 10 days will cost $69,740. (*Note*: excludes capital construction costs.)

-- *Jurisdiction B* places 100% of a caseload of 100 in a less restrictive *residential* option for an average length of stay of 10 days. Given an average cost of $66.68 per bed per day, placement of these 100 juveniles in a less restrictive *residential* option will cost $66,680.

-- *Jurisdiction C* returns 100% of a caseload of 100 to the community *under supervision* with such supervision continuing for an average of 10 days. Given an average cost of $22.17 per juvenile per day, return of 100 juveniles to the community *under supervision* will cost $22,170.

Any mix of the above alternatives will have obvious consequences with respect to removal costs. A fourth hypothetical features a mix of alternatives; assumes the return of a large percentage of youth to their homes under varying degrees of supervision; and reflects a one time administrative cost associated with juveniles who are returned home after initial contact.

— *Jurisdiction D* distributes a caseload of 100 juveniles among four alternatives:

- 10% of the caseload (10 juveniles) are placed in secure detention for an average length of stay of 10 days. Given an average cost of $69.74 per bed per day, placement of these 10 juveniles in secure detention will cost $6,974.
- 20% of the caseload (20 juveniles) are placed in a less restrictive *residential* option for an average length of stay of 10 days. Given an average cost of $66.68 per bed per day, placement of these 20 juveniles in a less restrictive *residential* option will cost $13,336.
- Eight percent of the caseload (8 juveniles) were returned to the community *under supervision* with such supervision continuing for an average of 10 days. Given an average cost of $22.17 per juvenile per day, return of 8 juveniles to the community *under supervision* will cost $1,174.

- 62% of the caseload (62 juveniles) are returned to the community having been the recipient of administrative services only. Given a one time cost of $71 per juvenile for such administrative services, return of 62 juveniles to the community will cost $4,402.

The total cost to Jurisdiction D of utilizing a range of alternatives in providing services to a caseload of 100 juveniles is $26,486.

The Jail Removal Cost Study provides an important perspective on the costs and other ramifications of removing juveniles from adult jails and lockups, this perspective and the considerable information gathered in the course of the study's preparation will be useful to the states and their local units of government as planning tools in their efforts to move forward in this area.

June 8, 1982

INTRODUCTION AND OVERVIEW

The principal amendment contained in the 1980 reauthorization to the Juvenile Justice and Delinquency Prevention Act mandated that those states and territories participating in the legislation must remove juveniles from adult jails and lockups by 1985.

To provide additional insight on the costs and ramifications of this mandate, Congress instructed the Office of Juvenile Justice and Delinquency Prevention as follows:

> The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups.
>
> (b) The report required in subsection (a) shall include--
>
> (1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);
> (2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;
> (3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and
> (4) recommendations for such legislative or administrative action as the Administrator considers appropriate.*

Major tasks in the performance of the study were conducted by the Office of Juvenile Justice and Delinquency Prevention, the Community Research Center, the Institute for Economic and Policy Studies and the National Criminal Justice Association in conjunction with the State Criminal Justice Councils.

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*The Juvenile Justice and Delinquency Prevention Act of 1974 as amended through December 8, 1980, Public Law 93-415.

This approach enabled OJJDP to present findings and recommendations to Congress and incorporate significant jail removal efforts already underway at the local, state and federal level. The approach recognized that no single source was adequate to address the complex issues of jail removal in the available period of time. Each group was used to capitalize on areas of proven expertise and past experience:

-- The Community Research Center has conducted extensive research on the issues of juveniles in adult jails and lockups since 1978. This research includes inquiries regarding the rate of suicide by juveniles in various confinement facilities, the effects of national standards release/detention criteria, and advanced practices for the planning and design of juvenile residential environments. The Center has provided technical assistance on the jail removal issue to over 100 state and local agencies and currently serves as National Program Coordinator to 17 jurisdictions participating in the OJJDP Jail Removal Initiative.

-- The Institute for Economic and Policy Studies has expertise in the areas of cost analysis, program modeling and policy recommendations. During the past decade, IEPS has conducted a wide range of cost studies related to the criminal justice system at the state and local level. The cost analysis of the LEAA Corrections Standards has direct applicability to their responsibilities under the jail removal and cost study.

-- The involvement of the states in conjunction with the National Criminal Justice Association was viewed from the outset as a critical element, if the study was to be completed within the six month timeframe. The sound and long-standing relationship which NCJA maintains with the State Criminal Justice Councils provided the only realistic conduit for developing the state-by-state profiles required by Congress. Equally important was the deep knowledge concerning the varied national efforts to achieve jail removal (i.e., National Coalition for Jail Reform).

The approach used to conduct the jail removal cost study during the six-month period (December, 1981-May, 1982) combined a mailed survey questionnaire to access state level information and a detailed interview survey process to determine the cost and ramifications of jail removal efforts in selected local/regional areas, which have either eliminated the jailing of juveniles, or were implementing a plan to effect complete removal as required by Congress.

The general flow of the study progressed through five steps each requiring careful integration and coordination of activities by the three organizations, the State Criminal Justice Councils, and the Office of Juvenile Justice and Delinquency Prevention.

1. Identify cost estimates of states to implement the Jail Removal Amendment.
   - -- Survey development and pretest.
   - -- Survey distribution and administration.
   - -- Survey receipt.
   - -- Data processing and analysis.
2. Determine cost models of currently operating alternatives to adult jails and lockups.
   - -- Data collection.
   - -- Analysis.
3. Determine local/regional experiences with jail removal. Information is largely based upon experiences of four jurisdictions involved in the Jail Removal Initiative (JRI) begun in 1980 by the Office of Juvenile Justice and Delinquency Prevention. The Initiative involves two phases, planning for removal (Phase I) and implementation of removal plans (Phase II). Currently, the four jurisdictions have completed Phase I and are involved in Phase II.
   - -- Identify and select five jurisdictions where jail removal has been accomplished.
   - -- Identify and describe range of alternative programs and services in each jurisdiction and their costs.
   - -- Identify and describe obstacles in each jurisdiction.
   - -- Review jurisdictional experience to give perspective to the state survey.
4. Compile adverse and positive ramifications of jail removal identified in the state and JRI jurisdiction assessments.
5. Provide a basis for legislative and administrative recommendations for future activities regarding removal.
6. Review Jail Removal Cost Study findings and recommendations with State Criminal Justice Councils and State Advisory Groups at the 1982 OJJDP Regional Workshops.

The approach to the study provided numerous benefits in terms of extracting the best available data, assuring more realistic recommendations, and familiarizing the states with the difficulty of collection of current information and planning for jail removal. The presentation of findings and recommendations at the May Workshops continued the impetus for state and local action on the Amendment.

The Jail Removal Cost Study was not without significant limitations. The short timeframe, for instance, was a serious handicap to the efforts of the states to examine the extent of the problem in their states, collect reliable data, formulate well-reasoned estimates of cost and ramifications, and determine a comprehensive plan of action. Equally constraining was the limited availability and quality of data at the state level regarding the use of adult jails and lockups. Certain of these data deficiencies will be, for the most part, eliminated by the 1982 compliance monitoring regulation requiring 12-month statewide data; it nonetheless was a serious problem in completion of the Cost Study. These areas will continue to be important state and local technical assistance needs.

Caution in uses of the data includes: state differences in terms of definitions of the juvenile justice population, methods of assembling data, time periods covered in the data, and availability of data items. Also, the various reporting mechanisms utilized by the states did not facilitate the rendering of adequate distinctions between a person placed once in an adult jail or lockup from those persons placed more than once during a reporting period. Given these limitations, particular caution should be exercised in the use of the data provided for purposes of generalizing to a larger population; references to individual state reports are preferable to relying on aggregated data (see Appendix A).

The structure of the report reflects the multiple information sources used to estimate jail removal costs and ramifications. The integrated findings and recommendations have been compiled through the use of the cost models on program operations, the 50 state surveys, and the actual experiences from the jurisdictions participating in the OJJDP Jail Removal Initiative. From these integrated sources of data will flow information on the effects of jail removal, conclusions, and recommendations for legislative and administrative action.

Sections of the report include:

Volume 1--Summary

Volume 2--Jail Removal Cost Study

Chapter I--Introduction and Methodology
Chapter II--Cost Models
Chapter III--State Survey Results
Chapter IV--Removal Experiences
Chapter V--Potential Adverse Ramifications
Chapter VI--Summary, Conclusions and Recommendations

Volume 3--Appendix Materials

RESULTS AND CONCLUSIONS

Below, the discussion is organized under the three major topics mandated by Congress: (1) likely costs associated with implementing removal requirements; (2) experiences of jurisdictions which currently require the removal of juveniles from adult jails and lockups; and (3) ramifications which may result from the removal requirement. Within each major topic, results are presented in terms of the source of information (e.g., whether the results are from the state surveys, the experiences of jurisdictions currently requiring removal, or the cost analysis and models of currently operating alternatives). Next, a set of conclusions drawn from the results is detailed. Finally, recommendations follow the last set of conclusions.

LIKELY COSTS ASSOCIATED WITH IMPLEMENTING THE JAIL REMOVAL REQUIREMENT

Results from the Cost Models

Chapter II, Cost Models, is the most definitive chapter regarding the costs of implementing removal. In it, a range of actual operating costs for currently existing secure and nonsecure alternatives to adult jails is presented. The cost model has four purposes:

- -- to identify and describe alternative policy areas for the placement of currently jailed juveniles;
- -- to provide model cost data on these various alternatives;
- -- to illustrate the potential cost impact of different policy decisions;
- -- to provide planning information for states and localities to use in formulating their own removal plans.

The technology used here is one developed for the Standards and Goals Project and most extensively applied with respect to community-based programs. This sample budget methodology was used to derive comprehensive program and expenditure data for halfway houses complying with NAC standards. The procedure involves analysis of the expenditures, staffing, and program operations of a selected sample of providers, and standardizing the data to provide a "picture" of a prototypical operation. The sample budget methodology is a technique which yields accurate and complete programmatic and cost information for service-providing organizations. The program structures and budgets of actual organizations provide the foundation for the analysis. While no single organization may be capable of serving as a "model" provider, detailed examination and analysis of a collective of providers permits such information to be developed. Thus, accuracy and completeness are assured because ongoing programs provide the foundation of the analysis, yet do not constrain it.

The costs of alternatives are grouped in Table EX1 under the three policy choices available to decision-makers faced with removing juveniles from jails: secure detention, community residential care, and community supervision. Within each policy choice area, various alternative programs may be grouped. The three policy areas include the following program alternatives:

1. Secure detention--secure juvenile facilities; secure holdover (state or locally operated); pre- or post-adjudication.
2. Community residential care--group homes; shelter care; attention homes; group foster care (public or privately operated, pre- or post-adjudication).
3. Community supervision--home detention (commonly used with intensive supervision); probation; individualized foster care.

The primary characteristics that distinguish each of these three alternative policy areas are as follows: secure detention emphasizes a secure setting as a major feature; community residential programs emphasize a less secure placement, typically within a group living arrangement; community supervision emphasizes individualized care for a juvenile within his/her own home or a surrogate home (e.g., foster care). From a cost perspective, secure detention offers the most costly alternative due to the facility requirements that are necessary. Community residential care will also include the cost of housing in order to provide services, whereas community supervision programs assume the housing is already in existence and, therefore, not a cost factor. Staffing, which is the second most significant cost factor after facility costs, will vary widely among, as well as between, the three alternatives delineated. The sample used to develop the cost models consisted of budget and expenditure data collected from over 100 local service providers.

The analysis of the programs in the sample involved the following generic steps:

TABLE EX1
COST RANGE OF ALTERNATIVES TO ADULT JAILS AND LOCKUPS

Policy Choices	Low Cost	High Cost
Secure Detention[a]	$17,718	$33,194
Community Residential[b]		
Group Home	11,500	20,190
Shelter	11,396	37,276
Community Supervision		
Foster Care[c]	1,786	1,974
Therapy[d]	63.59	118.88
Intensive Foster Care[d]	50.75	83.73
Home Detention[d]	13.03	31.30

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[a] Based on mean annual operating costs per bed of programs below and above the median cost.

[b] Based on minimum and maximum annual operating costs per bed.

[c] Based on minimum and maximum annual operating costs per client excluding parental stipends.

[d] Based on minimum and maximum operating costs/day of supervision.

Reference: Chapter 2, Cost Models

1. Listing and evaluating data supplied by the programs;
2. Categorizing expenditure and budget data into a standard line item format;
3. Selecting a standard budget year;
4. Selecting client and program data to be used in the analysis;
5. Determining the format in which data would be presented;
6. Identifying areas of cost variation.

The costs of alternative programs and services are influenced by several factors (see Chapter II). Chief among these factors include physical security arrangements, supervision levels, services offered, capacity and client tenure, geographical location, resource availability, auspices, and program scale.

An analysis of cost allocation for each alternative was also performed. In the analysis, operating expenditures were compared for personnel and non-personnel categories. Personnel costs included wages, salaries, and fringe benefits. Non-personnel expenditures consisted of contractual, transportation, supplies, general operating, and capital operating costs. It is notable that personnel expenditures comprised 60-90 percent of total costs of providing alternatives.

Results from the State Surveys

A large portion of states estimated the costs of removal by estimating how much it would cost to build and/or operate secure juvenile detention for the number of youths currently held in jail. Overall, of the states reporting ten or more juveniles in adult jails on a single day, 58 percent selected secure detention. For some states, the only alternative chosen was secure detention. Even for most states that chose other alternatives in addition to secure detention, costs were overwhelmingly allocated for the provision of secure detention.

On the whole, approximately 88 percent of total costs estimated by states were allocated to the building and/or use of secure detention.

The ultimate costs of removal are largely determined by which policy choices (secure detention, community residential, community supervision) are implemented. States did, in fact, estimate the dollars it would cost to provide alternatives to adult jails. Unfortunately, in many cases the methodology used by respondents to estimate costs was not clear and at times appeared inconsistent with information from the cost models, and there is some evidence (from jurisdictions that have implemented removal) to suggest that states, in responding to the survey, may have over-emphasized secure detention as an alternative. For these two reasons, plus the previously discussed limitations on generalizing from the state surveys, it is inadvisable to use the sum ($118,665,000) of states' estimates and present them as likely costs to be incurred by implementing removal.* The most effective way of using this information is on a state-by-state basis.

Examination of the characteristics of the juvenile justice population is a critical undertaking in determining what alternative programs and services are needed. Below is a summary of findings from the population data (Chapter III) supplied by 35 states. Again, the reader is advised against the aggregation and generalization of the state survey responses.

Characteristics of the Juvenile Justice Population and Utilization of Current Alternatives

The total number of juvenile arrests for a six-month period (January-June of 1981) was 476,719. Of this amount, about five percent were for serious delinquent offenses as defined by the JJDP Act (criminal homicide, rape, mayhem, kidnapping, aggravated assault, robbery, larceny, felonious theft, motor vehicle theft, burglary, breaking and entering, extortion with threats of violence, and felonious arson). Nearly 80 percent were for other delinquent offenses, while the remaining arrests were primarily for status and related offenses. The number of juveniles detained in adult facilities for any given day during that period was 1,778. Of those jailed, only 242 (roughly 14 percent) were reported to be serious delinquent offenders.

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*Cost data were supplied by 30 of 35 states reporting.

The distribution for the number of juveniles currently placed in existing alternatives breaks out as follows: the most widely used placements are probation, followed by foster care, state juvenile facilities, group homes, secure detention, and shelter care. The lengths of stay reported by the states reflect that placements in foster care were of the longest term (averaging 373 days), followed in declining order by probation, group homes, state juvenile facilities, shelter care, and finally secure detention (averaging 17 days).

States also reported the number of service or bedspace vacancies in alternatives. Vacancies currently exist for each of the potential alternatives except probation. In fact, the total number of vacancies on a given day exceeds the total number of juveniles to be removed from jail. One problem is, however, that alternatives are not necessarily located near the jails holding these juveniles; therefore, new placement alternatives may be required. Another problem is that the current vacancies may exist in alternatives not appropriate to serve the juveniles in jail.

Results from Removal Experiences

Currently, Jail Removal Initiative (JRI) jurisdictions have budgeted dollar amounts for the implementation of their removal plans. In contrast to the state surveys which indicated secure detention as the primary alternative, the majority of JRI implementation monies bought various community residential or community supervision alternatives. Nonsecure programs and services comprised over 90 percent of total removal costs of the JRI jurisdictions portrayed in Chapter IV.

Planning, startup, and implementation costs associated with removal varied across all JRI jurisdictions. As indicated in Table EX2, costs of planning for removal in one jurisdiction can be as much as four times more costly than at a comparable site. Similarly, startup costs of the removal plan are widely disbursed ($2,700-$60,900). The costs of 24-hour intake also show a wide range. Table EX2 clearly indicates that removal activities in one jurisdiction can cost many times that of similar activities at another site. Additionally, personnel and non-personnel budgets are distributed similarly to the expenditures of operating programs and services found in the cost models. Personnel costs are projected to account for 60-95 percent of total operating expenses for most alternatives. However, when volunteers are used, personnel costs can comprise only 3-19 percent of total operating costs.

For different reasons, it is inappropriate to utilize JRI budget as demonstrative of actual removal costs: (1) JRI costs are projected, not actual, expenditures, and (2) because jurisdictions participating in the JRI chose to do so, they were committed to the use of less restrictive settings. The extent to which these jurisdictions are representative of other regions across the country is undetermined.

To some degree, JRI budgets indicate the extent to which administrative arrangements can affect costs of alternative placements and services. For instance, in one jurisdiction 24-hour intake coverage is performed in a five-county region on a decentralized basis (i.e., one intake worker per county). Another jurisdiction provides round-the-clock intake in a nine-county region

TABLE EX2
PLANNING, STARTUP, AND SELECTED OPERATING COSTS: FOUR JRI JURISDICTIONS

Jurisdiction	Total Planning Costs	Time to Plan (months)	Total Startup Costs	Time to Fully Implement (months)	Intake Operating Cost (investment per child)
Alabama (SAYS)	$29,800	6	$26,100	5	$23
Arkansas (OMARR)	21,500	8	60,900	12	120
Illinois (Bolingbrook)	33,700	5	2,700	1	58
Louisiana (16th Judicial District)	86,400	7	7,000	3	32

Reference: Chapter IV, Removal Experiences.

with a centralized approach (i.e., arresting and probation officers from outlying counties call a central intake office for release/detain decisions).

In terms of operating costs, decentralized intake is projected to be about $120 per intake, while the centralized estimates range from $23 to $58 per intake. It appears, then, that centralized administrative arrangements may be more cost-effecient than a decentralized organization. However, for reasons discussed in Chapter IV, a centralized intake operation is not necessarily preferable to the decentralized approach in all jurisdictions. Unique regional characteristics may necessitate a decentralized approach as the most viable method to accomplish removal. Clearly, knowledge of a jurisdiction and its juvenile justice system is needed to accurately estimate the most viable methods, and therefore, the costs of removal.

Also illustrated in one JRI budget is the advantage of using volunteers and other donations to help defray the costs of removal. One jurisdiction estimates a need to securely detain approximately 39 youths over the next 18 months. In lieu of building new secure juvenile detention capabilities, the jurisdiction has opted to provide secure detention by way of intensive supervision. Off-duty law enforcement officers have volunteered their time to supervise children needing secure detention in a hospital unit used to detoxify juveniles. Since the average length of stay is short (2.3 days), these volunteers can provide round-the-clock supervision. As a result, the personnel outlays for the community residential program account for nine percent of the total operating budget.

Summary of Conclusions about Costs of Removal

Several inferences about the costs of removal can be drawn from the preceding information. Below, conclusions are divided into two subsets. First, factors of removal costs are enumerated. Second, because they are directly related to the costs of removal, conclusions about the current utilization of alternatives and characteristics of the juvenile justice population are presented.

Conclusions about Removal Costs

1. Three policy choices of alternatives to adult jails can be delineated: secure detention, community residential care, community supervision. A range of alternatives exists within each policy choice. A range of cost variation exists among the alternatives.

2. How to distribute juveniles in jail among alternative policy choices is a critical decision. The key questions are: Should the child be placed in secure setting? If the child can be placed in a less secure setting, should s/he be removed from the natural home?

3. Costs of implementing removal are a function of national, state and local policy decision. It is virtually impossible to establish a final dollar figure for the cost of removal without first delineating procedures to bring about removal and establishing the need for alternative programs and services on a jurisdiction-by-jurisdiction basis.

4. Once a needs assessment is conducted and a removal plan is established, dollars required to implement removal can be estimated. The costs of removal estimated by the state surveys reflect a heavy emphasis upon the building and use of secure detention as an alternative to adult jails and lockups. The costs of removal estimated by jurisdictions which have implemented a needs assessment and a plan for removal reflect a heavy emphasis upon the use of various nonsecure alternatives.

5. Major factors that affect total cost are facility, personnel, level of services, and administrative arrangements. There are ways to defray costs through in-kind sources, e.g., by using existing facilities or staffing with volunteers. Thus, the degree to which one draws from available community resources is critical.

Conclusions about Current Utilization of Alternatives and Characteristics of the Juvenile Justice System

1. About 14 percent of jailed juveniles are held for serious offenses.

2. There are twice as many juveniles arrested for status offenses as there are for serious delinquent charges.

3. The availability of community residential type placements, i.e., group homes and shelter care, are less than that of secure detention (based on existing capacities).

4. Across the nation as a whole, vacancies exist within all of the potential alternatives (with the exception of probation).

5. There is a great deal of interest and concern about removal on the part of the states as evidenced by the level of detail provided in individual state submissions.

6. A wide population distribution exists for juveniles in adult jails and lockups. Most juveniles in jail have not committed serious crimes as defined by the JJDP Act.

7. There is little knowledge on how to distribute the jailed population among alternatives, because the characteristics of that population commonly have not yet been identified.

8. Informed decisions (policy choices) suggest the need for improved intake screening and classification of juveniles (i.e., needs assessment).

9. The states have limited experience in projecting costs of various alternatives.

EXPERIENCES OF JURISDICTIONS WHICH CURRENTLY REQUIRE REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

For this study, information regarding removal experiences is derived from two main sources: the four JRI scenarios and the Pennsylvania summary (see Chapter IV). Topics addressed include obstacles to removal, removal plan focus, time requirements to implement the removal plan, monitoring of the removal plan, and net-widening issues.

Results from the Jail Removal Initiative and Pennsylvania

Jurisdictions encountered both similar and diverse experiences with removal. It is to be expected that many removal experiences are shared by the various JRI regions since the methods used to plan for removal were basically uniform in each jurisdiction. Yet, similarities also exist between the JRI jurisdictions and the Commonwealth of Pennsylvania.

Obstacles to Removal

Common to all jurisdictions examined in Chapter IV, a core of obstacles emerged which impeded the prohibition of juvenile placement in adult secure settings. Examples of these hindrances are: a lack of locally accessible alternative programs and services (including transportation), a lack of specific release/detain criteria (i.e., objective intake screening), physical/geographical problems such as lengthy travel times and distances between the site of custody and the nearest juvenile placement alternative, and state statutes which allow law enforcement the authority to detain youth predispositionally in adult jails. There are also economic obstacles evidenced by small tax bases and a low priority given to the issue of children in jail; political obstacles that often occur when several counties pool efforts and resources together in a cooperative removal plan; and perceptual differences regarding the type and scale of alternatives needed (for example, secure detention perceived as the single-solution alternative to adult jail).

The process of conducting a needs assessment helped overcome some obstacles such as the lack of intake criteria, and the perceptual pre-disposition toward secure detention. Other obstacles were surmounted by identifying and implementing alternatives needed by the juvenile justice population or by enlisting the support of key local leaders. Currently, JRI sites have established workplans by which to progress toward the resolution of obstacles not yet overcome.

Time Required to Plan for Removal

JRI regions required varying amounts of time (4-8 months) to develop a plan for removal. The two most time-variant steps in plan development were data collection for the needs assessment and the establishment of policy and procedures for various components of the removal plan.

Components of the Removal Plan (Selected Alternatives)

The jurisdictions utilized a variety of alternatives as components of their removal plans. No two JRI sites implemented the same networks of alternative programs and services. However, just as a core of obstacles emerged from each of the scenarios, so did a core of alternative programs and services. Components of the removal plan which comprise the core include: (1) 24-hour intake screening; (2) some provision for secure detention (including intensive supervision); (3) at least one community residential program; (4) at least one community supervision program or service; and (5) transportation services. Specific alternatives provided by the four JRI sites, in order of their frequency of occurrence, were: 24-hour intake, transportation, various community supervision services, foster and shelter care, and secure detention or intensive supervision. Significantly, little or no need was identified for secure detention. In two jurisdictions, intensive supervision was provided in lieu of secure detention. In Pennsylvania, the funding mechanism discouraged the building of secure detention centers.

Time Required to Implement Removal Plan

Varying amounts of time were required to operationalize the components of the removal plan. Jurisdictions were able to implement some programs and services within a few weeks after funding commenced (December, 1981-February, 1982). Other alternatives are not yet operational. It is anticipated that full implementation of the removal plans will require from 3-12 months.

Pennsylvania accomplished complete removal over a five-year period. Clearly, statewide initiatives may require more time. JRI jurisdictions, which are single and multi-county regions, are smaller than states. A state's size (and broader jurisdiction) may make the process of removal more complex than at the regional or county level. The increased complexity for states may manifest itself by having a larger number of actors involved or a greater need for cooperation and coordination among juvenile justice practitioners. Undoubtedly, the degree of complexity of state and local juvenile justice systems has an impact upon both the process by which to plan for removal as well as the strategy, costs, and schedule by which to implement removal.

Monitoring of the Removal Plan

Each JRI jurisdiction has developed a method by which to monitor the removal plan. The monitoring function is usually performed by intake staff as a normal part of their duties. In Pennsylvania, monitoring occurs by on-site inspection and the use of a hotline through which reports of juveniles in jail can be received.

Widening the Net Issues

Pennsylvania has not experienced a net increase in the total number of juveniles detained in secure settings. In fact, the number of securely detained juveniles in the Commonwealth has been reduced 38 percent since 1974 (12,697-8,289).

JRI sites project a substantial decrease in the number of juveniles securely detained. Of juveniles held in adult jails prior to removal, only 7-25 percent will require secure detention after implementation of removal plans. This finding is consistent with past assessment efforts in Oklahoma and Louisiana.

Conversely, JRI jurisdictions project an increase in the number of juveniles entering nonsecure juvenile placements. It is estimated that approximately 3-17 percent of juvenile intakes will be placed in nonsecure settings that previously were not available. While the nonsecure placement increases might be viewed as "widening the net," one must bear in mind that, according to specific criteria, a portion of the juvenile population showed a legitimate demand for these services. Although a lack of services sometimes results in returning a child to the natural home, these data indicate that return to home is not always an adequate response by the justice system to the needs of the youth population.

Moreover, JRI participants project that between 50-100 percent of arrested juveniles are to receive previously unoffered intake services. Of these intakes, 7-28 percent are estimated to receive various community supervision services that, heretofore, were also unavailable.

Summary of Conclusions about Experiences of Removal

The preceeding information indicates that removal was accomplished by varying means in each of the five locations reviewed (the four JRI jurisdictions and Pennsylvania). Enumerated below are inferences drawn from the experiences of removal contained in Chapter IV.

Conclusions about Removal Experiences

1. Jurisdictions experience a core of obstacles to removal including a lack of alternatives; a lack of objective intake screening; a lack of transportation services; physical/geographical problems; legal and political hindrances; and perceptual orientations which heavily emphasize the need for secure detention.
2. Jurisdictions demonstrate the need to plan for the removal of juveniles from adult jails and lockups.
3. Jurisdictions demonstrate a need for financial and technical assistance to plan for and implement alternatives.
4. Without assistance, jurisdictions indicate little knowledge regarding varying strategies to accomplish removal.

5. Jurisdictions which have implemented a plan for removal are offering nonsecure programs and services that are tailored to the entire juvenile justice population, not solely for "kids in jails".

6. Jurisdictions which have implemented removal have required varying amounts of time and money to plan for removal.

7. Jurisdictions which have implemented a plan for removal have utilized a variety of alternatives to accomplish removal.

8. Jurisdictions which have implemented a plan for removal indicate that secure detention is a small part of the desired alternatives after conducting a needs assessment.

9. Jurisdictions which have implemented removal have required varying amounts of time and money to operationalize alternative programs and services.

10. Jurisdictions which have implemented a removal plan have developed methods to monitor that plan and juveniles who continue to be placed in jail.

11. Jurisdictions which have implemented a plan for removal via assessed needs have not experienced a net increase in the number of secure detained juveniles.

12. Jurisdictions developed a core of alternatives including 24-hour intake and transportation services, secure detention, a community residential program, and a community supervision program or service.

13. To accomplish removal, jurisdictions have required changes in policies and procedures regarding law enforcement apprehension, intake screening, methods of referral, and contact with the juvenile court.

14. Jail removal plans are unique to each jurisdiction, but one common theme abounds: removal can be achieved within a large variety of action plans which develop a network of programs and services responsive to the needs of the juvenile justice population.

POSSIBLE ADVERSE RAMIFICATIONS OF REMOVAL

This part of the report (Chapter V) addresses possible ramifications resulting from removal. Data are compiled from Pennsylvania, state survey respondants, and JRI jurisdictional personnel. It is interesting that some potential ramifications perceived by the states and the JRI sites were actually observed in Pennsylvania. However, with these data it cannot be determined if the experiences of Pennsylvania are necessarily attributable to removal. Below, experienced ramifications in Pennsylvania are presented, followed by perceptions of state survey respondants and JRI jurisdictional personnel.

Experienced Ramifications

As noted in the section on removal experiences, Pennsylvania did not experience a net increase in the number of juveniles securely detained. In fact, the rate of juvenile incarceration has decreased 38 percent since 1974. Over the past three years, there seems to be a slight increase in the number of waivers to adult court. However, four years ago there were more waivers than last year (402 in 1977, 371 in 1980). Therefore, it is inconclusive whether removal is linked to an increased number of juveniles tried as adults. Other changes observed in Pennsylvania include:

-- a decrease in the overall time spent by juveniles in the justice system;

-- an increase in the time that juveniles are held in secure settings;

-- an increase in the use of private service providers, non-system alternatives, and nonsecure alternatives.

Perceived Ramifications

Both states and JRI sites were queried about possible ramifications associated with the removal requirement. Although individual states varied in their projections of future impact of the removal requirement, most states agreed that they expected the following to be associated with removal:

-- a decrease in the rate of juvenile incarceration;

-- no change in the number of waivers to adult court;

-- an increase in overall time spent in the juvenile justice system;

-- an increase in the use of private providers;

-- an increase in the need for administrative resources;

-- an increase in the use of non-system alternatives;

-- an increase in the use of nonsecure alternatives;

-- no change or an increase in negative community perceptions about juvenile justice.

Like the states, individual JRI jurisdictions also differed in projected ramifications of the removal requirement. Those areas of impact in which JRI sites tended to concur included:

-- a 0-10 percent decrease in the rate of juvenile incarceration;

-- no change in the number of waivers to adult court;

-- a decrease in overall time spent in the juvenile justice system;

-- an increase in the use of private providers;

-- an increase in the need for administrative resources;

-- an increase in the use of non-system alternatives;

-- an increase in the use of nonsecure alternatives;

-- a decrease in negative community perceptions about juvenile justice.

Both states and JRI jurisdictions were asked to identify their primary source of information in making their projections about possible ramifications of removal. Expert opinion by juvenile justice practitioners was the main information source. Only eight states noted that their information was based upon planning studies (including master plans, impact projects, etc.).

Conclusions about Potential Ramifications

Although at the present time there is little empirical evidence concerning the ramifications of removal, the following has been deduced from this study:

1. Jurisdictions have different perspectives about the potential effects and ramifications of jail removal.

2. Jurisdictions which have implemented a plan for removal are not experiencing a net increase in secure detention for juveniles. On the other hand, states surveyed tended to select secure detention as the preferred alternative.

3. *Possible* adverse ramifications include an increase in the number of waivers to adult court and an increase in the length of time in juvenile detention centers (based on Pennsylvania).

4. More juveniles than those who are now placed in adult jails are likely to receive services after removal is implemented. Yet, it is likely that the number of securely detained juveniles will not increase if a needs assessment is conducted.

RECOMMENDATIONS

As mentioned previously, numerous factors bear upon the effort to remove juveniles from adult jails and lockups. Evidence accumulated during the conduct of this study makes it clear that total removal will be accomplished as a product of state and local public interest and support; recognition and identification of the difficulties and responsibilities involved at each level; the increasing dissemination of technology and information regarding alternative courses of action; and, lastly but most critically, the willingness of commitment to the long-term effort that will necessarily be required.

For these reasons, the following recommendations are presented as a means of working toward achievement of removal as a public goal.

1. State and local jurisdictions should provide for the identification of the juvenile populations served and the potential for utilizing various alternative programs and services for this population (as determined on a jurisdiction-by-jurisdiction basis).

It has been noted that many states feel that the development of secure juvenile facilities is necessary in order to close jails to juveniles, however, experience demonstrates that this need not be the case. Despite federal emphasis on nonsecure possibilities for many years, numerous states and localities still regard juvenile detention facilities as the primary alternative. It would appear that, all efforts to the contrary, information is not getting through to all the states and that attitudes regarding alternatives and their use are changing only slowly in some areas. Current information and technology dissemination methods should ensure coverage of all constituency groups of the juvenile justice system.

In those jurisdictions which have received direct federal assistance and funding, removal efforts are characterized by a willingness to explore nonsecure community residential and community supervision programs and services. These alternatives can be less costly than secure, facility-based programs in terms of both capital and operational expenditure. The point remains that when states and localities examine juvenile justice systems,the process seems to result in a reduced reliance on secure placement options, and consequently, a potentially reduced removal cost.

2. In order to make informed policy choices, a number of questions must be asked through a conscientious planning process. This planning process will help (1) ensure the most applicable and reasonable allocation of available funds toward the removal of juveniles from adult jails; (2) minimize the costs associated with removal wherever possible to overcome potential resistance due to monetary constraints; and (3) promote the availability of a range of programs and services which meet the needs of the juvenile justice population. States and localities should pursue a plan for removal and conduct a planning process on a state-by-state basis as the foundation for necessary and definitive system change.

Given the conclusions set forth previously in this report, it is incumbent upon state and local authorities to establish a uniform process where existing conditions and needs for alternatives services in each jurisdiction can be investigated, described and analyzed. Such analysis should be performed by each state according to some consistent format. How to distribute juveniles in jail among alternative policy choices is a critical decision. The key questions are: Should the child be placed in a secure setting? If the child can be placed in a less secure setting, should s/he be removed from the natural home?

This process should include, but not necessarily be limited to, such items as:

A. Clear, uniform guidelines regarding state and local roles and responsibilities pursuant to the planning and implementation effort;

B. Well-defined problem identification, target population, and projected goals for the planning effort;

C. Inventory of all existing programs and services available to the juvenile justice system within each state and its jurisdictions;

D. Assessment of policies and procedures which have bearing upon out-of-home placements for juveniles;

E. Procedures of information analysis, specifically in the areas of intake screening and decision-making, actual placements and programs, programmatic costs, length of time in the juvenile justice system, current availability of alternatives, and legal procedures (due process);

F. Identification of needed transportation services and new alternatives based on information discovered (including information regarding concepts of programs, policies, and procedures), and economic consequences;

G. Method of continued monitoring of juveniles held in jail.

It is anticipated that planning at this scale will only be possible by following a uniform process capable of some degree of flexibility to accommodate changing situations in each state.

Necessary to this effort will be the development of objective intake screening criteria by each jurisdiction. Information obtained during the planning process can be weighed against these criteria to project the need for alternative services, more detailed removal costs, and the need for specific technical expertise and/or funding assistance. The specific criteria and the planning process should reduce the states' emphasis on secure juvenile detention and promote the perspective which considers secure detention as one alternative among many others.

The state and local removal effort should be aimed at providing a core of alternative programs and services to alleviate the use of adult jails and lockups. The core should include 24-hour intake screening, transportation services, secure and nonsecure residential programs, and supervised release to the home. State removal plans should include:

A. The development of a flexible network of service and placement options based upon the principle of selecting the least restrictive setting and maintaining family and community ties;

B. A planning, needs assessment, and implementation process which affords juveniles all due process requirements and involves citizen and professional participation;

C. The development and adoption of court intake criteria, consistent with nationally recommended standards for alleged juvenile offenders and non-offenders who are awaiting court appearance;

D. The development of services which resolve problems of juveniles in a non-judicial manner, including the coordination of public and private child welfare and juvenile justice services.

This planning and implementation process should distribute juveniles currently jailed into the most appropriate alternative policy choices, and consequently, provide a viable and flexible removal plan.

3. Congress should anticipate flexibility in the target date of full implementation of state plans (December 8, 1985).

The accomplishment of removal requires concentrated effort on the part of state and local agencies. The experiences of Pennsylvania and the JRI jurisdictions indicate that unique circumstances require a variety of actions, procedures and time requirements to implement removal.

Some jurisdictions are closer to removal than others. For instance, one state may currently be conducting a needs assessment while another may remain basically uninformed about the extent that jails are utilized for juveniles or the characteristics of the juvenile justice population. Therefore, it may be unrealistic to expect that all states can adequately plan for and fully implement removal in the time allotted by the Act. It should be anticipated that special circumstances may necessitate a longer period of time for some states.

EXCERPT FROM APPENDIX TO THE BUDGET OF THE U.S. GOVERNMENT, FISCAL YEAR 1983

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

CONSOLIDATED SCHEDULE OF PERMANENT POSITIONS, GENERAL ADMINISTRATION

	1981 actual	1982 est.	1983 est.
Executive level I	1	1	1
Executive level II	1	1	1
Executive level III	1	1	1
Executive level IV	2	2	2
Subtotal	5	5	5
ES-6	1	1	1
ES-5	5	6	6
ES-4	8	8	8
ES-3	6	6	6
ES-2	5	6	6
ES-1	5	5	5
Subtotal	30	30	30
GS-17	2		
GS-16	1	1	1
GS/GM-15	115	109	112
GS/GM-14	150	150	150
GS/GM-13	100	150	150
GS-12	117	114	113
GS-11	[illegible]	[illegible]	[illegible]
GS-10	10	13	13
GS-9	80	80	76
GS-8	60	57	57
GS-7	130	129	127
GS-6	90	90	87
GS-5	60	50	52
GS-4	30	27	27
GS-3	4	4	4
GS-2	2	2	2
Subtotal	1,119	1,077	1,080
Ungraded	30	30	30
Total permanent positions	1,190	1,140	1,141
Unfilled positions, end of year	−110	43	−35
Total permanent employment, end of year	1,090	1,106	1,100

U.S. PAROLE COMMISSION

SALARIES AND EXPENSES

	1981 actual	1982 est.	1983 est.
GS-16	9	9	9
GS/GM-15	6	6	6
GS/GM-14	40	30	35
GS/GM-13	4	4	4
GS-12	16	16	18
GS-11	5	5	5
GS-10	1	1	1
GS-9	15	10	14
GS-8	1	1	1
GS-7	15	[illegible]	15
GS-6	[illegible]	[illegible]	[illegible]
GS-5	[illegible]	[illegible]	[illegible]
GS-4	18	17	17
Total permanent positions	178	172	157
Unfilled positions, end of year	−17	−5	
Total permanent employment, end of year	161	167	157

LEGAL ACTIVITIES

CONSOLIDATED SCHEDULES OF PERMANENT POSITIONS, LEGAL ACTIVITIES

	1981 actual	1982 est.	1983 est.
Executive level III	1	1	1
Executive level IV	12	12	12
Executive level V	2	2	2
Subtotal	15	15	15
ES-5	9	9	9
ES-4	103	106	100
ES-3	17	17	17
ES-2	17	17	17
ES-1	6	7	7
Subtotal	152	156	150
GS/GM-15	643	649	667
GS/GM-14	575	600	590
GS/GM-13	651	538	[illegible]
GS-12	580	636	640
GS-11	627	587	500
GS-10	36	38	38
GS-9	1,380	1,217	1,148
GS-8	308	304	307
GS-7	1,096	1,057	1,030
GS-6	1,300	1,311	1,290
GS-5	868	875	851
GS-4	421	370	360
GS-3	115	110	110
GS-2	25	27	27
Subtotal	8,502	8,087	7,988
Ungraded	2,070	2,025	2,018
Total permanent positions	10,577	10,260	10,068
Unfilled positions, end of year	−1,207	−301	−288
Subtotal	9,380	9,965	9,770
Positions transferred from Department of Education	30	30	30
Unfilled positions, end of year	−2	−2	−2
Subtotal	28	28	28
Positions transferred from Department of Energy:			
ES-6	1	1	
ES-5	3	3	1
ES-4	6	6	6
ES-3	3	3	3
ES-2	3	3	1
ES-1	3	3	1
Subtotal	19	19	12
GS/GM-15	130	40	25
GS/GM-14	280	70	30
GS/GM-13	282	50	52
GS-12	250	103	62
GS-11	139	56	30
GS-10	1	1	1
GS-9	111	46	32
GS-8	38	15	11
GS-7	85	35	23
GS-6	40	18	10
GS-5	60	35	30
GS-4	25	6	3
GS-3	1	1	4
Subtotal	1,380	525	370
Total permanent positions	1,130	544	333
Unfilled positions, end of year	−376		
Subtotal	954	544	333
Total permanent positions, end of year	10,387	10,481	10,142

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

	1981 actual	1982 est.	1983 est.
Executive level II	1	1	1
Executive level III	1	1	1
Executive level V	2	2	2
Subtotal	4	4	4
GS-18	30	30	30
GS-17	43	43	43
GS-16	77	77	77
GS/GM-15	385	385	385
GS/GM-14	910	910	910
GS/GM-13	4,385	4,385	4,385
GS-12	1,100	1,100	1,100
GS-11	1,370	1,250	1,300
GS-10	970	970	865
GS-9	600	630	600
GS-8	375	375	375
GS-7	1,300	1,300	1,300
GS-6	1,800	1,800	1,800
GS-5	2,075	2,200	2,186
GS-4	1,500	1,500	1,500
GS-3	1,106	1,196	1,487
Subtotal	19,169	19,333	19,513
Ungraded	290	*290	290
Total permanent positions	19,401	19,631	19,851

FEDERAL BUREAU OF INVESTIGATION—Continued

SALARIES AND EXPENSES—Continued

	1981 actual	1982 est.	1983 est.
Unfilled positions, end of year	−1,201	−662	−662
Total permanent employment, end of year	19,240	19,904	19,144

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

	1981 actual	1982 est.	1983 est.
Executive level IV	1	1	1
ES-5		1	1
ES-4	14	13	13
ES-3	4	4	4
ES-2	2	2	2
ES-1	12	12	12
Subtotal	33	33	33
GS/GM-15	166	176	176
GS/GM-14	367	381	382
GS/GM-13	430	438	445
GS-12	741	730	731
GS-11	1,716	1,693	1,696
GS-10	34	34	34
GS-9	2,707	2,497	2,517
GS-8	110	110	110
GS-7	731	728	728
GS-6	749	880	900
GS-5	1,190	1,084	1,087
GS-4	962	930	901
GS-3	620	620	620
GS-2	79	79	79
GS-1	3	3	3
Subtotal	10,639	10,357	10,434
Ungraded	214	214	214
Total permanent positions	10,886	10,604	10,681
Unfilled positions, end of year	−1,464	−60	−60
Total permanent employment, end of year	9,422	10,544	10,621

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

	1981 actual	1982 est.	1983 est.
Executive level III	1	1	1
Executive level IV	1	1	1
Subtotal	2	2	2
GS-18	2	3	3
GS-17	12	11	11
GS-16	22	22	22
GS/GM-15	136	135	136
GS/GM-14	479	479	479
GS/GM-13	748	740	748
GS-12	1,174	1,080	1,080
GS-11	770	731	731
GS-10	6	6	6
GS-9	158	125	125
GS-8	54	54	54
GS-7	704	704	704
GS-6	350	350	350
GS-5	321	290	290
GS-4	136	136	136
GS-3	40	40	40
GS-2	7	7	7
Subtotal	4,114	3,975	3,975
Ungraded	21	21	21
Total permanent positions	4,137	3,998	3,998
Unfilled positions, end of year	−227	−77	−77
Total permanent employment, end of year	3,910	3,921	3,921

FEDERAL PRISON SYSTEM

CONSOLIDATED SCHEDULE OF PERMANENT POSITIONS, THE FEDERAL PRISON SYSTEM

	1981 actual	1982 est.	1983 est.
ES-5	1	1	1
ES-4	19	18	18
ES-3	4	4	4
ES-2	1	1	1
Subtotal	25	24	24
GS/GM-15	103	96	100
GS/GM-14	201	188	200
GS/GM-13	242	217	231
GS-12	675	664	679
GS-11	1,264	1,207	1,707
GS-10	50	66	66
GS-9	1,275	1,262	1,767
GS-8	1,276	1,245	[illegible]
GS-7	2,879	2,738	[illegible]
GS-6	474	436	[illegible]
GS-5	379	363	[illegible]
GS-4	48	50	[illegible]
GS-3	16	18	[illegible]
GS-2	1	1	[illegible]
Subtotal	8,789	8,510	[illegible]
Ungraded	1,526	1,446	[illegible]
Total permanent positions	10,340	9,979	[illegible]
Unfilled positions, end of year	−864	−770	[illegible]
Total permanent employment, end of year	9,476	9,209	[illegible]

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

CONSOLIDATED SCHEDULE OF PERMANENT POSITIONS, THE OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

	1981 actual	1982 est.	1983 est.
Executive level III	1	1	[illegible]
Executive level IV	2	2	[illegible]
Subtotal	3	3	[illegible]
ES-4	11	8	[illegible]
ES-2	1	1	[illegible]
Subtotal	12	9	[illegible]
GS/GM-15	43	73	[illegible]
GS/GM-14	60	53	[illegible]
GS/GM-13	92	72	[illegible]
GS-12	66	38	[illegible]
GS-11	45	23	[illegible]
GS-10	3	5	[illegible]
GS-9	29	10	[illegible]
GS-8	2	3	[illegible]
GS-7	40	33	[illegible]
GS-6	18	13	[illegible]
GS-5	42	14	[illegible]
GS-4	14	6	[illegible]
GS-3	7	7	[illegible]
Subtotal	485	363	[illegible]
Total permanent positions	500	375	[illegible]
Unfilled positions, end of year	−180	−15	[illegible]
Total permanent employment, end of year	320	360	[illegible]

Department of Justice

JUN 11 1982

FOR IMMEDIATE RELEASE
TUESDAY, JUNE 8, 1982

OJJDP
202-724-7782

The Department of Justice today presented the U.S. Congress with a report citing the need for much improved state and local planning for removing all juveniles from adult jails and lockups by December 1985.

"The study found that although resolute commitment will get the children out of the jails, the technical information needed to accomplish this is simply not reaching many communities," said Charles A. Lauer, acting director of the Department's Office of Juvenile Justice and Delinquency Prevention.

The $100,000, three-volume report, "Jail Removal Cost Study," was prepared in response to a congressional request. It was completed from state-submitted information and an analysis by the University of Illinois Community Research Center and the office and contains a detailed discussion of the various policy decisions that influence jail removal costs.

Under current federal law, states that receive juvenile justice formula grants must have programs that prohibit the detention of juveniles in jails and lockups with adult offenders by December 1985.

(MORE)

The report said the cost of detaining juveniles apart from adults can range from $69,740 to $22,170 for holding 100 youths for 10 days. The cost depends on whether the detention is in a secure facility, a less restrictive residential facility, or under community-based supervision, the report said.

Many states feel it is necessary to build secure facilities to close jails to juveniles, the report said. "However," it said, "experience demonstrates that this need not be the case.

"Despite federal emphasis on nonsecure possibilities for many years, numerous states and localities still regard juvenile detention facilities as the primary alternative.

"It would appear that, all efforts to the contrary, information is not getting through to all the states and that attitudes regarding alternatives and their use are changing only slowly in some areas."

It said, though, that with "state and local public interest and support" total removal "will be accomplished." It cited Pennsylvania as a successful example. That state removed all juveniles in a five-year program during which the number of youths held in secure facilities fell 35 percent (from 12,697 to 8,289).

The report said a survey of the 50 states found, among other things, the following:

(MORE)

--About 14 percent of the jailed juveniles are held for serious offenses.

--There are twice as many youths arrested for status offenses as there are for serious delinquent charges.

--There is a need for improved juvenile intake screening and classification.

--All governmental units have had limited experience in projecting the costs of various alternatives.

Among the obstacles to removal are a local lack of alternatives, economic problems caused by narrow tax bases, and political difficulties in getting local jurisdictions to cooperate in creating regional alternatives, the report said.

"Jail removal plans are unique to each jurisdiction," the report commented, "but one common theme abounds: removal can be achieved within a large variety of action plans which develop a network of programs and services responsive to the needs of the juvenile justice population."

It said, too, that in those jurisdictions that have received federal assistance and funding "removal efforts are characterized by a willingness to explore nonsecure community residential and community supervision programs and services. These alternatives can be less costly than secure, facility-based programs in terms of both capital and operational expenditures.

(MORE)

The point remains that when states and localities examine juvenile justice systems, the process seems to result in a reduced reliance on secure placement options, and consequently, a potentially reduced removal cost."

A summary of the report can be obtained by writing the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C 20531.

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Compliments
Congressman Ike Andrews, Chairman
Subcommittee on Human Resources
Room 2178 Rayburn H O B
U.S. House of Representatives

DOJ-1982-06

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